

MEMORANDUM

Date: April 02, 2010
Re: Transfer 76191
From: hbohac

This transfer proposes to change the POU to reflect actual practices in response to an "Unauthorized Water Use" letter sent in December 2009. Applicants have removed a pivot and installed handlines which resulted in a POU violation. Five groundwater rights (35-2079, 35-7619A, 35-7939, 35-8082 and 35-8572) involved in this transfer. Applicant proposes to combine the POU for all water rights mentioned to cover a total of 445.5 acres. Water right 35-2079 will be limited to 125 acres within the new POU. Water right 35-7619A will be limited to 90.5 acres within the new POU. Water right 35-7939 will be limited to 169 acres within the new POU. Water right 35-8082 will be limited to 60 acres within the new POU. Water right 35-8572 will be limited to 1 acre within the new POU. All water rights use existing PODs (3 wells). Water use is irrigation.

Authority to File:

Applicants are current owners of water rights. IDWR tax lot data, a warranty deed, and a land use agreement show that the applicants are either the current owners of lands located within the new POU or have a lease on the land (also referred to as the Sterling Wildlife Management Area. It has been requested that both Kenneth and Dwight Horsch are listed on all water rights involved in this transfer; a signed agreement is included showing equal ownership of all five rights.

Water Right Validity:

Water right 35-8082 was licensed in 2002. All other water rights involved were decreed in 2002. 2009 Satellite Image shows land to be irrigated. Forfeiture is not an issue. Purpose of transfer corrects a potential NOV.

Injury to Other Water Rights:

Inside the ESPA and within Water District 120. Correcting a potential NOV; place of use only. Will request Watermaster comment. Will process as a no advertisement transfer.

Enlargement of Use:

There is no evidence of enlargement of use.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.