

MEMORANDUM

Date: March 11, 2010
From: hbohac
Re: transfer 76350

This transfer proposes to adjust the POU to reflect actual irrigation practices and comply with a "Potential NOV" letter sent out in February 2010. Six groundwater rights (35-7402, 35-13409, 35-13411, 35-13413, 35-13414 and 35-13415) are involved in this transfer. Applicant proposes to combine the POU for all water rights mentioned to cover a total of 389.4 acres. Water right 35-7402 and 35-13409 will be limited to 100.9 acres within the new POU. Water rights 35-13411, 35-13413 and 35-13415 will be limited to 56.5 acres within the new POU. Water right 35-13414 will be limited to 232 acres within the new POU. All water rights are pumped from an existing well. Since all rights involved share a single source it can be argued that there has been no partial forfeiture of water rights 35-13411, 35-13413, 35-13414 and 35-13415. Water from these rights has always been used to the fullest in the upper half pivot. Water use is irrigation.

Authority to File:

KBCP LLC is the current owner of water rights involved. Warranty deed provided shows land involved is owned by KBCP LLC. Certificate of Organization shows Kenneth Koompin to be the registered agent of KBCP LLC.

Water Right Validity:

Water rights 35-7402, 35-13409, 35-13414 and 35-13415 were decreed in 2002, water right 35-13411 was licensed in 1997 and water right 35-13413 was licensed in 1994. 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.