

MEMORANDUM

Date: February 17, 2010
From: hbohac
Re: transfer 76290

This transfer proposes to adjust the POU of one water right to reflect the water users actual irrigation practices and resolve a pending NOV that was sent in Jan. 2009. One groundwater right (35-11654) is involved in this transfer. Water right 35-11654 will be limited to a total of 803 acres within the new POU. Two existing PODs (wells) involved will continue to be used; water use is irrigation.

Authority to File:

Applicants are the current owners of water right 35-11654 and tax lot data shows Nickell Family LLLP as the owner of the lands involved in this transfer. The Nickell Family LLLP annual report form has been attached and shows Kaye and Kenneth Nickell to be the president and vice president of the company.

Water Right Validity:

Water right 35-11654 was 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. No hydrologic impact. 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.