

MEMORANDUM

Date: January 15, 2010
To: Transfer 75550
From: mholliday
Re: transfer evaluation

This transfer proposes to rearrange the water rights on a permissible place of use consistent with a water rights agreement between the applicant (buyer) and the seller. The applicant seeks to correct the legal description of one point of diversion that was decreed erroneously in the SRBA. The applicant also seeks to change one point of diversion from a point which cannot serve the place of use to one that can be used. Another point of diversion will be more clearly described down to the 10 acre tract. The actual physical ditch locations will remain unchanged.

Authority to File:

Applicant confirmed ownership of the water rights by submitting warranty deeds showing chain of title back to the water right owner of record. Applicant also submitted the recorded water rights division agreement.

Water Right Validity:

The water rights were decreed in the SRBA in 2002. Review of aerial photos and satellite photos was inconclusive in determining use of the water rights since the time of the decree. This could be due to the lack of a reliable water supply on Threemile Creek. Therefore, forfeiture would be difficult to either confirm or deny.

Injury to Other Water Rights:

Injury not apparent. Transfer will be advertised to determine any protests.

Enlargement of Use:

The proposed changes will not result in enlargement of use. No new acres will be irrigated and there is no change in the total number of irrigated acres. The quantity of water delivered from the stream will remain unchanged. The total diversion rate per acre will remain unchanged.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application reveals no clear inconsistency with the criteria set forth in Section 42-222 Idaho Code preventing processing of this application.