

MEMORANDUM

Date: February 11, 2009
To: Transfer 74095
From: jlarsen
Re: Transfer Evaluation

This transfer is part of an eight way rearrangement of water rights proposed by Brockway Engineering of Twin Falls. The applicant is proposing to rearrange six existing water rights already owned by him and add two additional rights that are part of a split by a water broker in order cover lands owned by the applicant that are currently under irrigation by pivots. The applicant is currently in violation of his POU and this transfer will resolve those issues. However this transfer must be approved along with its seven other companions because all are dependent on the others.

Authority to File:

Applicant is the owner of record of all Basin 35 rights listed on the transfer and these rights have been partially decreed in the SRBA Court. The applicant has a sales agreement for the Basin 43 rights that have also been partially decreed in the SRBA Court.

Water Right Validity:

All water rights listed an the transfer have been partially decreed in the SRBA Court and air photos show them being irrigated in 2004. Forfeiture is not an issue.

Injury to Other Water Rights:

In Water District 120. Watermaster will comment.

Transfer will be advertised to determine any protests. The area around the POU is all owned by applicant and his partners. The ESPA analysis completed has been accepted by IDWR.

Enlargement of Use:

There is no evidence of enlargement of use. An equivalent number of acres will be dried up at the original POU to where the combined total of the rights prior to the transfer will equal the end results.

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.