

MEMORANDUM

Date: August 03, 2009
To: Transfer 75669
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the nature of use and period of use to a portion of water rights 22-611A, 22-366B, 22-367B and 22-13588. Applicant has created two ponds which cover a surface area of 1.8 acres and 11.0 af and proposes to use ponds for aesthetic storage, fire protection storage and recreation storage. This transfer only covers the annual fill of ponds. Transfer 75667 was submitted in conjunction to this transfer and proposes to cover the evaporative losses of the two constructed ponds. Applicant has lined ponds to eliminate seepage loss. Applicant proposes to dry up 5 acres under overlapping water rights 22-611A, 22-366B, 22-367B and 22-13588 for the annual fill of the ponds (combined ponds equal 11 af). Transfer 75667 proposes to dry up 1.5 acres from 22-13839 to cover the 3.2 af of evaporative losses from the 1.8 acre ponds (surface area combined). Nature of use is diversion to storage, aesthetics from storage, fire protection storage and recreation storage. Using existing points of diversion. A mitigation plan was submitted showing calculations for the pond transfer. Address for South Leigh Creek LLC was updated to a current address.

Authority to File:

South Leigh Creek LLC is the current owner of water rights 22-611A, 22-366B, 22-367B and 22-13588 per IDWR record and warranty deed which withheld the water rights from future property sales. A portion of the two ponds are constructed on different property owners within South Leigh Creek Ranch Subdivision. Agreement documents have been submitted authorizing the constructed ponds (see agreements). William Kelly Foster who is the managing member of South Leigh Creek LLC signed the application (see attachment for signature authorization).

Water Right Validity:

Decreed in 2009. Forfeiture is not an issue.

Injury to Other Water Rights:

Within WD 01. No evidence of injury. Will request Watermaster comment.
Advertise to determine protest.

Enlargement of Use:

No issue identified

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.