

MEMORANDUM

Date: December 23, 2008
To: Transfer 75275
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the place of use to water rights 35-7203, 35-8078 and 35-2642 (now 35-13854), change the POD and add a POD to water right 35-8078. Applicant proposes to backfill 168.5 acres of water right 35-2642 that has been split off by the AREVA INC. transfer (75268). 168.5 acres will be split off of water right 35-8078 to backfill the 168.5 acres stripped off water right 35-2642 (now 35-13854). Also the applicant proposes to rearrange the acres under water right 35-7203 and 35-2642 (now 35-13854) too correct a POU discrepancy. The POU legal description under water rights 35-7203 and water right 35-2642 (now 35-13854) doesn't correspond with the actual acres being irrigated. Applicant will be using existing wells.

The left behind portion of water right 35-2642 (now 35-13854) is being rearranged by this transfer (# 75275). Though we are changing the POU for the left behind portion of water right 35-2642 (now 35-13854) under transfer #75268, the left behind portion of water right 35-2642 (now 35-13854) is part of this transfer (# 75275). Transfer # 75268 and 75275 needs to be approved at the same time.

AREVA INC. has entered into an option to purchase real property with Gold Emblem Farms, which includes water right 35-2642. When the time comes that AREVA and Gold Emblem Farms close on the property, the applicant will notify IDWR in writing at which time both the approved transfers (75268 and 75275) will be available for distribution as appropriated.

Authority to File:

Applicant is the current owner of water rights 35-7203, 35-8078 and 35-2642 (now 35-13854) as indicated by IDWR records. IDWR records and Warranty deeds have been submitted showing ownership of the new place of use. Robert Harris who is the Attorney for Gold Emblem Farms signed the transfer application.

Water Right Validity:

Decreed in 2002. Water right 35-8078 licensed date 1997. 2006 satellite imagery shows land to be irrigated. Forfeiture is not an issue. Nature of use is Industrial and irrigation

Injury to Other Water Rights:

Inside the ESPA and in Water district 120. Since there is a backfill of 168.5 acres for the split portion of water right 35-2642 (168.5 acres from 35-8078 will backfill the split portion of 35-2642) no ground water analysis is needed. Will request Watermaster comment.

Advertise to determine protest.

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.

M E M O R A N D U M

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.