

MEMORANDUM

Date: June 23, 2009
To: Transfer 74964
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the POU under water right 25-7109. Allan and Millie Batt purchased ground water right (25-7109) and 180 canal shares in the Burgess Canal from Crystal Brothers. The Batts propose to move the place of use under water right 25-7109 to adjacent land. The proposed new place of use is still within the Burgess Canal service boundaries. The proposed new POU will be irrigated with both surface and ground water. The ground water POD (25-7109) will remain the same.

Authority to File:

Allan and Millie Batt are the current owners of the new proposed place of use. Between now and the time the Batts purchase water right 25-7109, the property (where 25-7109 overlaps) has be split off to several different owners. The Batts have obtained quit claims from these property owners relinquishing their portion of water right 25-7109 to the Batts (see quit claim documents). The Batts are the Sole holder of water right 25-7109.

Water Right Validity:

This water right was decreed in the SRBA in 2005. Applicant is using same well under 25-7109. Forfeiture not an issue.

Injury to Other Water Rights:

Inside the ESPA area and in Water District 120. Applicant only wished to change place of use. No ground water analysis is needed. Watermaster does not oppose transfer if it is conditioned to have a lockable diversion and measuring devise for the groundwater diversion. the Applicant must use full allotment of surface water before using groundwater. Transfer will be advertised.

Enlargement of Use:

Water right 25-7109 has to be use in conjunction with surface water rights. According to Burgess Canal & Irrigation Co., Inc. The Batts own 13 shares (130 miners inches) and Crystal Brothers hold 11.6 shares (116 miners inches) which are delivered to the Selck and Taylor canal by Burgess Canal. 130 miners inches applied to 229 acres calculate to .011 cfs/acre (aprox. ½ inch per acre) which is enough to irrigate 229 acres.

In recent years share holder delivery has been as high as 100% and as low as 32%. A document from Burgess Canal & Irrigation Co. has been submitted showing breakdown of shares for what Crystal Brothers now own and what the Batts own.

If applicant maximizes the use of his canal shares, there should be no enlargement issues. 065 and 104 will be part of the conditions of approval.

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.