

MEMORANDUM

Date: May 18, 2009
Re: Transfer 75325
From: hbohac

This transfer proposes to split adjust the POU to reflect the actual acres being irrigated as the result of a pending NOV sent out in November 2008. Applicants irrigated lands not authorized by water rights which resulted in a violation. They would now like to resolve the violation through this transfer. One groundwater right (34-2467) and one surface water right (34-304) are involved in this transfer. Both water rights are used in conjunction and will be limited to a 91 acre permissible POU. Both PODs involved in this transfer will remain unchanged. Water right 34-304 uses an existing head gate and water right 34-2467 uses an existing well. Water use is irrigation.

Authority to File:

Applicants are the current owners of water rights and a warranty deed has been provided proving ownership of the lands involved in this transfer.

Water Right Validity:

Water rights involved were decreed in 2002. 2006 Satellite Image shows land to be irrigated. Forfeiture is not an issue. Purpose of transfer corrects a pending NOV.

Injury to Other Water Rights:

Inside the ESPA and within Water District 34. Correcting a pending NOV; place of use only. No hydrologic impact. Will request watermaster comment. Will process as a no advertisement transfer.

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.

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.