

MEMORANDUM

Date: May 18, 2009
To: Transfer 75502
From: hbohac
Re: Transfer 75502

This transfer proposes to split a water right and adjust the POU to reflect the actual acres being irrigated as the result of an NOV sent out in February 2009. Applicant installed a mini pivot which resulted in a POU violation. Three surface water rights (32-7045A, 32-7055B & 32-13226) are involved in this transfer. Applicant proposes to split water right 32-13226 and transfer 11.5 acres to be added to a permissible POU with water rights 32-7045A and 32-7055B. The three rights (32-7045A, 32-7055B and 32-13287) would be limited to a combined POU of 290.5 acres. Water right 32-7045A will be limited to a total of 234 acres within the 290.5 acre POU. Water right 32-7055B will be limited to a total of 45 acres within the 290.5 acre POU. Water right 32-13287 will be limited to a total of 11.5 acres within the 290.5 acre POU. Water right 32-13286 (the unchanged portion of 32-13226) will be limited to a total of 132.5 acres. Both PODs involved in this transfer are existing wells. 32-7045A, 32-7055B and 32-13287 will share a POD and 32-13286 will continue to use its current POD. Water use is irrigation.

Authority to File:

Applicant is the current owner of water rights. Tax lot data shows applicant to be owner of property water right 32-13287 is being transferred to. Mr. Sullivan acknowledges there is a current lien on this property. Lien holder permission was not requested since the property will not be devalued as a result of this transfer (transfer memo no. 24 meeting 3/31/09). A warranty deed provided during transfer 70932 shows M. Frank Sullivan to be owner of land water right 32-13287 will be removed from. He declares that there is no lien on this property.

Water Right Validity:

Water rights involved were decreed in 2000 and 2003. 2006 Satellite Image shows land to be irrigated. Forfeiture is not an issue. Purpose of transfer corrects an NOV.

Injury to Other Water Rights:

Inside the ESPA and within Water District 110. Correcting an NOV; place of use and adding a POD. Groundwater model assessing hydrological impact indicates that no mitigation is required. Watermaster does not oppose transfer. Will advertise 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.
09.