

MEMORANDUM

Date: May 12, 2009
Re: Transfer 75485
From: hbohac

This transfer proposes to adjust the POU to reflect the actual acres being irrigated as the result of two pending NOV sent out in December 2008 and January 2009. Applicant irrigated lands not authorized by his water right which resulted in a POU violation. One groundwater right (35-7457) is involved in this transfer. This right will be limited to a total of 320 acres within the POU. Both PODs involved in this transfer are existing wells. Water use is irrigation.

Authority to File:

Applicant is the current owner of water right 35-7457. Tax lot data shows applicant to be current owner a portion of the land involved in this transfer. He has submitted written permission from his neighbors (Dirk Driscoll & Roger Whitnah) to irrigate portions of their property using the water right involved.

Water Right Validity:

Water right involved was 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 120. Correcting a pending NOV; place of use only. No hydrologic impact. Watermaster does not oppose this transfer. 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.