

M E M O R A N D U M

Date: February 18, 2009
To: Transfer 74712 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to change the place of use of two Willow Creek water rights totaling 1.23 cfs by creating a 128.4 acre permissible place of use on a farm located approximately 12.25 – 12.75 miles east on the north side of Highway 20 from the City of Fairfield. The application also proposes to change the point of diversion to property owned by the applicant and add a second point of diversion for irrigation flexibility. Note the permissible place of use of 128.4 acres overlaps a 4 acre parcel described under water right 37-22197 which also overlaps water right 37-2586. These 4 acres described by 37-22197 are separate and independent of the 45 acre limit for water rights 37-21829 and 37-21831 as proposed by this transfer.

- **Authority to File:**
Applicant is listed as current owner on IDWR record for rights 37-21829 and 37-21831. The application also includes a copy of warranty deeds showing that the applicant owns the proposed place of use.
- **Water Right Validity:**
The rights involved with the transfer were recently reviewed as part of the SRBA and recommended to the SRBA court as valid rights.
- **Injury to Other Water Rights:**
None anticipated. Applicant has submitted a letter of support from the current water right owners of 37-21830 and 37-21832 diverted from the current point of diversion. The transfer proposes to use the same point of diversion as water rights 37-22197 and 37-22198 located in the SESESW of Sec 10 Twp 01S Rge 16E. As far as injury, these rights have a late priority and may not be delivered when regulated on Willow Creek by the Wood River and Magic Reservoir conditions.
- **Enlargement of Use:**
None anticipated. Water rights are limited to 45 acres within 128.4 acre permissible place of use.
- **Local Public Interest:**
Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.