

MEMORANDUM

Date: April 15, 2009
To: Transfer 75401
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the place of use and point of diversion for water rights 35-13734, 35-13736 and 35-13738. Applicant proposes to move 1.7 acres from the SW Quarter of 05S 30E 13 to his property located in the NW Quarter of 05S 30E 13 and drill a new in the NESWNW of 05S 30E 13. An ownership change will also occur under this transfer.

Authority to File:

Joyce A and Howard Klempel is the current owner of water rights 35-13734, 35-13736 and 35-13738. Russell J Klempel who is the applicant has submitted warranty deeds showing that he is the owner of the property once owned by Joyce and Howard. Russell J Klempel who is the applicant signed the application. There is a lien on the property owned by Russell Klempel. Applicant has provided a letter from the lien holder approving the changes.

Water Right Validity:

Decreed in 2002. 2004 and 2006 aerial photos show land to be irrigated. Forfeiture is not an issue. Nature of use is irrigation

Injury to Other Water Rights:

Inside the ESPA and in Water district 120. The current points of diversion and the proposed point of diversion are within the same cell. ESPA ground water model analysis not needed for this transfer. Watermaster does not oppose transfer if it is conditioned to have a lockable diversion and measuring device.

Advertise to determine protest.

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.