

MEMORANDUM

Date: November 04, 2008
To: Transfer 73303
From: dcarlson
Re: transfer evaluation

This transfer proposes to move all the surface rights and a portion of the ground water rights down stream (except a 114 acre pivot to be irrigated by one well and three groundwater rights). The SW and GW will be injected into the Little Lost River and rediverted down stream to irrigate new land owned by Pancheri Inc. The two downstream diversion points are already used by Pancheri for other rights and places of use.

90.5 acres of 33-2141 will be left at the 114 acre place of use. Transfer 74214 will back fill 23.5 acres to make a complete pivot. Birch Creek Ranches will still own this 114 acre pivot.

Authority to File:

Applicant Birch Creek Ranches is the owner of record as far as the SRBA decree. After the approval of this transfer the new owner will be Pancheri Inc. Pancheri is the owner of the new place of use.

Water Right Validity:

This water right was decreed in the SRBA in 2002. Air photos show it to be irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

In Water District 33. The watermaster gave his ok to this transfer. He will impose a 10% loss on the delivery of these rights at the new place of use. Transfer will be advertised to determine any protests.

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.