

MEMORANDUM

Date: March 27, 2009
To: Transfer 74640
From: dcarlson
Re: transfer evaluation

This transfer proposes to correct the place of use description and correct the legal description of an existing well. The decreed place of use was incorrect. It was transferred to this place of use in 1995. The old place of use in SENW section 34 was never irrigated and Natural Guardian, the owner of the ground, signed a release to allow the transfer. This pivot was the actual place of use developed. They recieved a NOV on this place of use. The WMIS point of diversion and water measurement district info shows the well to be at the pivot point. The leinholder, Zion First National Bank, signed a consent to process the transfer.

Authority to File:

Applicant is the owner of record as far as the SRBA decree and /or submitted ownerhsip change for this farm.

Water Right Validity:

This water right was decreed in the SRBA in 2003. Air photos from 2006 show it to be irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA area and in Water District 110. The actual well location is within the same cell as the incorrect location, no groundwater model analysis is needed. Will request watermaster comment. Transfer was advertised with no 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.