

MEMORANDUM

Date: March 05, 2009
Re: Transfer 75322
From: hbohac

This transfer proposes to correct the POU as a result of an "Unauthorized Water Use: letter sent out in December 2008. Applicant installed a pivot irrigation system and altered hand lines which resulted in a POU violation. Two groundwater rights (35-7971 and 35-8111) are involved in this transfer. Water right 35-8111 is conditioned for use in combination with surface water from the Aberdeen Springfield Canal Co. Though the POU for 35-7971 is inside the service area for Aberdeen-Springfield Canal Co, it is the primary source of water for acres not irrigated with canal water which includes the acres being retired as a result of the conversion to sprinkler irrigation and a pivot and allows the applicant to irrigate the 4 acres in the SESE Sec 21 that is outside the canal company service area. All rights utilize an interconnected irrigation system. Applicant proposes to combine the POU for both water rights mentioned to cover a total of 233 acres. Water right 35-7971 will be limited to a total of 189 acres within the POU. Water right 35-8111 will be limited to 44 acres within the POU. Both water rights use an existing well. Water rights 35-8111 and 35-7971 share an existing POD. Water use is irrigation.

Authority to File:

Applicant is current owner of water right 35-7971. Northwest Farm Credit Services formerly known as Farm Credit Bank of Spokane has submitted paperwork stating they no longer have interest in WR 35-8111. Applicant submitted warranty deeds proving ownership of new POU and certificate proving ownership of shares in Aberdeen-Springfield Canal Company.

Water Right Validity:

Water right 35-7971 was decreed in 2002 and 35-8111 was licensed in 1994. Although applicant has altered his POU, landsat images from 2003 and 2008 show that he has used his water rights to their full extent. Mr. Heaney has continued to pay for his shares in the canal company and is using recovered canal water via well combined with groundwater as stated in the 35-8111 conditions. 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 groundwater analysis needed. Will request Watermaster comment. 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.