

MEMORANDUM

Date: February 18, 2009
To: Transfer 74651
From: narave
Re: Transfer Evaluation

The purpose of this transfer is to resolve objections filed by the BOR and BLM in the Snake River Basin Adjudication. This transfer is connected to 74650 also filed by Val E Schwendiman Farms.

Prior to filing transfer application Schwendiman had agreed to omitting BLM/BOR acres from the POU for rights 22-7210, 22-7271, 22-7313A & 22-7313B reducing the total acres to 3887.8 ac. To process the Standard Form 5 Agreement, version 2 were generated to reflect the reduction in acres and condition changes for 22-7210, 22-7313A, 22-7313B, 22-7287 & 22-12656. For right 22-7271 version 1 was modified to reflect the same changes. SF5s were signed & received by the SRBA court. The same day the SF5s were received by the court Rocky Mountain Environmental submitted transfer applications 74650 & 74651 on behalf of the applicant. Since the purpose of the transfer applications is to transfer water off of the BLM/BOR lands instead of simply deleting these acres from the POU per the SF5, the SRBA court was contacted and asked to hold the SF5s while the transfer applications were processed. Because the adjudication recommendation data had already been modified the total acres for 22-7210, 22-7271, 22-7313A & 22-7313B on the application was 3887.8 acres, whereas the total acres on the initial directors report was 3934.2 acres. The 3934.2 acres from the initial director's report will be used for the post transfer POU. Once the transfers are approved the data base for the adjudication recommendations and the water rights will be updated to show the new POU & new combined limits in the conditions.

Authority to File:
The applicant is the owner listed on the Directors Report

Water Right Validity:
This water right is currently Recommended in the Snake River Basin Adjudication.

Injury to Other Water Rights:
The transferred water rights are contained within water district 01. Watermaster will comment.
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.