

MEMORANDUM

Date: February 05, 2009
To: Transfer 75303
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the point of diversion on water rights 35-13508, 35-13512 and 35-13514. The current point of diversion is shared between two different water right owners. The owner of the land where the point of diversion was located wants their own water rights on the well. Applicant is forced to move his water rights to a different point of diversion. Therefore, applicants propose to change the point of diversion to an existing point of diversion located on their property. Applicants will be using existing well under water right 35-11076. No well upgrade needed. Existing well was drilled in the 1920s

Authority to File:

Applicant is the current owner of water rights listed above as indicated by IDWR records. Applicant is the owner of land where POU and new POD are located. Warranty deeds have been submitted verifying ownership. Thomas Budge who is the applicant's attorney signed the application. Applicant has a lien on property and has provided a letter from lien holder approving changes.

Water Right Validity:

Water rights 35-13512 and 35-13514 were decreed in 2002 and water right 35-13508 has been recommended by IDWR to the court. 2006 aerial photography shows land to be irrigated. Forfeiture not an issue.

Injury to Other Water Rights:

Inside the ESPA and in Water district 120. Points of diversions are within the same cell. No ground water analysis needed. Will request Water Master comment.
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.