

MEMORANDUM

Date: January 6, 2009
To: Transfer 75271 File
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer proposes to change part of the place of use for two rights in Basin 43 currently used for the diversion of a combined total of 2.0 cfs of surface water for the irrigation of a combined 60 acres. (0.16 cfs of the rights is used for conveyance loss and will remain the same.) The applicant sold off 21 acres of the original place of use, dry, and is moving those acres to other land he owns nearby. The two rights, as decreed, were more than an inch per acre and the property to which he is moving the water is nearby and with similar soil types. (He paid \$250.00 on receipt S030571 for the 0.7 cfs he was actually moving for the 21 acres.) Location of the point of diversion is approximately 2 miles south and 2-3/4 miles east of Elba. Location of the place of use is approximately 2-1/4 miles south of Elba along the west side of the Elba-Almo Road. Proposed use is within WD43C so Water Master comments will be requested. I do not think there will be any apparent hydrologic impact as only 21 acres are being moved. I recommend this transfer be approved in the Region without advertising.

- **Authority to File:**
Both rights are currently in the name of the applicant, Michael J Mitten, Jr. A Warranty deed was submitted which showed Mr. Mitten owns the property where he is proposing to transfer some of the acres. Another deed was submitted which showed that the property he conveyed was sold dry. Applicant stated there was no lien holder on the property.
- **Water Right Validity:**
Both rights, 43-211 and 43-212, were decreed on June 28, 2002. It is difficult to tell from the aerial photos if the property has been irrigated recently.
- **Injury to Other Water Rights:**
None anticipated. 13 other rights with 6 owners share the point of diversion but they all seem to be located above the applicants property on the ditch and should not be affected by this change. 0.16 cfs is used for conveyance loss between the point of diversion and the place of use and this will not change. I am not sure if the water master is involved in the delivery of this right but since the property seems to be located at the end of the ditch, no one should be injured.
- **Enlargement of Use:**
None anticipated. The right will still be for 60 acres of irrigation.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use of irrigation is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.