

# MEMORANDUM

**Date:** January 20, 2009  
**To:** Transfer 75305  
**From:** hbohac  
**Re:** transfer

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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 which resulted in a POU violation. Four groundwater rights (35-2524, 35-2772, 35-7278 and 35-2859) are involved in this transfer. Applicant proposes to combine the POU for all water rights mentioned to cover a total of 518 acres. Water right 35-2524 will be limited to a total of 45 acres within the POU. Water Right 35-2772 will be limited to a total of 240 acres within the POU. Water right 35-7278 will be limited to 99 acres within the POU. Water right 35-2859 will be limited to 135 acres within the POU. All four water rights use three existing wells. Each of the three PODs are listed on all water rights. Water use is irrigation.

**Authority to File:**

Applicants are current owners of water rights. Applicants submitted warranty deeds proving ownership of new POU.

**Water Right Validity:**

Water rights involved were decreed in 2002. 2006 Satellite Image shows land to be irrigated. Forfeiture is not an issue. Purpose of transfer corrects an NOV.

**Injury to Other Water Rights:**

Inside the ESPA and within Water District 120. Correcting a potential NOV; place of use only. No hydrological impact. 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.