

MEMORANDUM

Date: December 31, 2008
To: Transfer 75316
From: hbohac
Re: transfer evaluation

In response to an Unauthorized Water Use letter sent out in December, 2008, this transfer application has been filed to correct the POU so it corresponds to actual practice. The applicant had been irrigating land for years and was unaware of the POU violation. Ground water rights 35-7605 and 35-7586 are involved in this transfer. These rights were decreed with a POU of 591 acres with no acre limit on water right 35-7605 and a 391 acre limit on 35-7586. Though the legal description for the irrigated acres will be changed by this application there will be no change in the total irrigated acres or acreage limits. Both water rights use the same POD which will not change.

Authority to File:

Applicant is current owner of water right. Applicant submitted a Quitclaim Deed to verify ownership of new POU. Tax Lot information and Quitclaim dated May 1996 show S & T Partnership is the owner of the transferred POU. The individuals included in S & T Partnership were William T. Simmons (father), Larry D. Simmons (son) and Todd W. Simmons (son). Following the death of William T. Simmons his sons reorganized the partnership under the name of S & S Partnership which is registered with the Secretary of State and is also the name on the water rights as partially decreed in the SRBA.

Water Right Validity:

Water rights 35-7605 and 35-7586 were decreed in 2002. 2008 satellite image shows land to be irrigated. Forfeiture is not an issue. Purpose of transfer corrects a POU violation.

Injury to Other Water Rights:

The transferred POU is inside the ESPA and within Water District 120. The application simply corrects a POU violation. No POD change; no hydrological impact. Watermaster comments have been requested. The application will be 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.