

RECEIVED

FEB 11 2008

DEPARTMENT OF
WATER RESOURCES
MEMORANDUM

Date: February 01, 2008
To: Transfer 74496
From: jlarsen
Re: Transfer Evaluation

This transfer proposes to change the place of use and ownership of the water right. Hornbachers bought land and the entire water right from the Mayers on April 17 2006 as shown by an Escrow Real Estate Agreement. The applicant desire to move acreages around to allow for the addition of a swiper pivot and to cover an existing pivot that was installed by the Mayers but a transfer was never filed to cover land under said pivot. Lastly in order to accomplish these changes the Hornbachers desire to reduce the size of the third pivot. In order for these changes to occur it will involve 111 acres being removed from irrigation at one location and other property equaling the 111 acres being placed into irrigation. The point of diversion will not change. All irrigation infrastructures were also sold to the Hornbachers. Property in section 9 that will be covered by the eastern edge of the new swiper pivot is lands already owned by the Hornbachers.

Authority to File:

Applicant is the owner as result of a Escrow Real Estate Agreement.

Water Right Validity:

This water right was Decreed in the SRBA court on March 22 2004. 2004 and 2006 aerial photos show the land being irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

Not currently with in a Water District.

Transfer will be advertised to determine any protests.

There should be no injury to other rights. There is no change in POD and the acres the right is being transferred to are located in adjacent QQs which are all located within the same cell of the ESPA model.

Enlargement of Use:

There is no evidence of enlargement of use. An equal number of acres will be removed from irrigation that are being added to irrigation under the pivots.

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.

SCANNED

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