

MEMORANDUM

Date: July 8, 2008
To: Transfer 74610 File
From: Jeff Cooper
Re: Evaluation of Sufficiency of Information Submitted

This transfer involves moving a portion of two irrigation rights (45-323 & 45-13624). Both of these rights are currently combined to cover 97.4 acres on the east side of Howell Creek in Cassia County. Water right 45-323 is the primary right with its source from Howell Creek. Water right 45-13624 is a supplemental right gravity fed from an impounded unnamed stream on the hill east of the current POU. The transfer proposes to split 45-323 and move 32 acres of directly across Howell Creek (west of the current POU) and add a new point of diversion in Howell Creek to service the new POU. Because the water from 45-13624 is rarely available and cannot be readily accessed across Howell Creek, the applicant proposed to dry up adjoining 32 acres, effectively forfeiting a portion of the supplemental right by reducing its place of use. To accommodate this transfer, WR 45-323 was split into 45-14108 and 45-14109, with WR 45-14109 remaining in its current place of use. The approximate location of the place of use is 1.5 miles east and 1.0 miles north of Albion. Since the point of diversion will actually be moving closer to the POU for the split portion of the water right no apparent hydrologic impact is anticipated. The area where the transfer is occurring is located within the boundaries of WD 140 and 45-F, so water master comments will be needed.

- **Authority to File:**
IDWR Records show all of the water rights in the name of Chatburn Brothers. Chatburn Brothers Inc., is a licensed corporation in the state of Idaho, with Jeff Chatburn as the president, who signed the application. Chatburn Brothers current has water rights on the parcels where the water is being moved from and to. There is no lien holder on the property according to the application.
- **Water Right Validity:**
Partial decrees were issued in the SRBA Court for WR 45-13624 on 5/13/2005 and for WR 45-323 (split to 45-14109 & 45-14108) on 5/6/2005. Review of recent aerial photography in the area shows current irrigation of the land so forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
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.