

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 2/25/2008

**RE: PARKVIEW CEMETERY MAINTENANCE DISTRICT TRANSFER
NUMBER 73837**

The transfer proposes to change the original point of diversion and add 2 new points of diversion to the existing water right. The place will not be changed. The points of diversion and place of use are located at the Parkview Cemetery locate ¼ mile east of Butte Road and US Highway 30 in the SENW S5 T7N R4W, Payette County.

AUTHORITY TO FILE:

The applicant is the owner of record. Tax lot data available to the Department confirms this ownership information.

WATER RIGHT VALIDITY:

The Snake River Basin Adjudication (SRBA) court issued a partial decree on this right on 6/28/2002, and 2004 and 2006 aerial photography available to the Department clearly show irrigation on this ground. Therefore the validity of the right should not be an issue.

INJURY TO OTHER WATER RIGHTS:

This right has been used since it was originally developed without complaint. The applicant recently filed water right permit 65-2318, it was processed and approved without objection. Therefore, no injury is anticipated.

ENLARGEMENT OF USE:

This application requests to only change the point of diversion. No enlargement is proposed.

LOCAL PUBLIC INTEREST:

The Cemetery District is a public entity that needs to attain approval through the county and nearby local entities, so no public interest issues are anticipated.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

Applicant proposed beneficial use consistent with department standards for the area.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of the application.

NARATIVE

The water right involved in this transfer is for the local cemetery for New Plymouth, Idaho. The land has been irrigated, so forfeiture should not be an issue.

There are overlapping water rights for the place of use. These rights include a wastewater right, 65-0009 and Farmers Cooperative Irrigation Company water rights. The overlapping water rights are surface water rights, and this right is supplemental to these rights. Therefore, overlapping rights should not be a problem as long as the standard supplemental conditions are included on the transferred water right.

CONDITIONS AND SUGGESTIONS

Unless this transfer is protested, this proposal seems to be approvable with the inclusion of the conditions on the draft approval.