

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 1/10/2008

RE: CALVIN AND DIANA G. CLARK TRANSFER NUMBER 74487

The transfer proposes to split an eight acre portion of the original right and move that portion of the right to a new location. The point of diversion will also be changed to a proposed new well. The new point of diversion and place of use will be moved to Lot 3 Block 1 of Bella Vista Estates Subdivision, which borders the southern boundary of the original place of use. The original place of use and the new place of use are located at the east end of Homer Road, better described as S ½ S25 T5N R1W, Ada County.

AUTHORITY TO FILE:

The applicant has supplied a warranty deed and quit clam deed that shows ownership of the property where the water will be moved to, and a letter from the owners of the water right requesting that the transfers proceed. I discussed this letter with our State Office staff, and it was determined that it would be acceptable for changing the water right into the new owners names as long as they can supply documentation showing they own the perspective lots.

WATER RIGHT VALIDITY:

Kimberly Brown has recommended this right to the Snake River Basin Adjudication (SRBA) court, and no objections were received on that recommendation. Therefore the validity of the right should not be an issue. The water right will be split into 6 separate water rights, however, all the water rights would maintain the same status.

INJURY TO OTHER WATER RIGHTS:

The original right has been considered a valid irrigation right by our SRBA staff. The water right will be kept within the same general location, approximately ½ mile distance from the original water right place of use and points of diversion. Therefore, no injury is anticipated .

ENLARGEMENT OF USE:

These application requests to change the point of diversion and the place of use, and a proportionate share of the original water right will be reduced. No enlargement proposed.

LOCAL PUBLIC INTEREST:

This property has already been split through the county process, 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 Beckman's had filed an earlier transfer number 70919 to move this water right to property they currently own. Transfer 70919 moved 50 acres and the appurtenant water rights to their property. The applicant has filed 1 of 5 transfers to split this water right into 6 pieces. 5 of the transfers will split off an 8 acre portion of the water right, which will leave the remaining 10 acre portion to be used on the original place of use. All 5 splits from the original portion will be moved to the Bella Vista Subdivision, which is located on the southern and western border of the original place of use. This transfer proposes to split an 8 acre portion of the water right to Lot 3, Block 1 of Bella Vista Estates subdivision.

The main concern I had with these transfers was the conveyance document from the Beckmans to the new owners. There was nothing in the document that showed that the new owners were given the water. The document simply agrees to splitting the water right and moving the splits to the new places of use. I spoke with Pam concerning this issue, and she felt that the documentation was suitable for conveying the water to the new owners.

In order to process all 5 transfers at the same time, a pre-transfer split was performed.

There are no overlapping water rights, and with the recent transfer, I can find no problems with forfeiture or any other issues.

CONDITIONS AND SUGGESTIONS

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

63-9179 CLARK
IRRI - 4.90 CFS / 1363.5 AFA
303 ACRES
STOCK - 0.12 CFS / 6.7 AFA
TOTAL - 4.90 CFS / 1,370

63-9179A POST
IRRI - 4.64 CFS / 1291.5 AFA
287 ACRES
STOCK - 0.12 CFS / 6.7 AFA
TOTAL - 4.64 CFS / 1,298.2 AFA

63-9179B
CHOUTCHOURROU
STOCK - 0.16 CFS / 17.5 AFA
COMM - 0.16 CFS / 17.5 AFA
TOTAL - 0.32 CFS / 35 AFA
TRANSFER 5285 CHANGED

63-9179C POST
IRRI - 4.24 CFS / 1179 AFA
262 ACRES
STOCK - 0.12 CFS / 6.7 AFA
TOTAL - 4.24 CFS / 1185 AFA

63-9179D HACKETT
IRRI - 0.40 CFS / 112.5 AFA
25 ACRES
TOTAL - 0.40 CFS / 112.5 AFA
PER OWNERSHIP CHANGE

63-31494 POST
IRRI - 3.59 CFS / 999 AFA
222 ACRES
STOCK - 0.12 CFS / 6.7 AFA
TOTAL - 3.59 CFS / 1005.7 AFA

63-31495 JOHNSON
IRRI - 0.65 CFS / 180 AFA
40 ACRES IN 60 AC PPU
TOTAL - 0.65 CFS / 180 AFA
PER TRANSFER 69920

63-31758 POST
IRRI 3.28 CFS / 913.5 AFA
203 ACRES
STOCK - 0.12 CFS / 6.1 AFA
TOTAL - 3.28 CFS / 913.5 AFA
PER THESE TRANSFERS

63-31759 SHIRLEY SHARP
IRRI - 0.15 CFS / 40.5 AFA
9 ACRES
AESTH & REC - 0.06 CFS / 18 AFA
TOTAL - 0.21 CFS / 58.5 AFA
PER TRANSFER

63-31760 SHIRLEY SHARP
IRRI - 0.05 CFS / 13.5 AFA
3 ACRES
TOTAL - 0.05 CFS / 13.5 AFA
PER TRANSFER

63-31761 SHIRLEY SHARP
IRRI - 0.05 CFS / 13.5 AFA
3 ACRES
TOTAL - 0.05 CFS / 13.5 AFA
PER TRANSFER

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**SPLIT FROM 63-31494
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63-31758 POST
IRRI 3.28 CFS / 913.5 AFA
203 ACRES
STOCK - 0.12 CFS / 6.1 AFA
TOTAL - 3.28 CFS / 913.5 AFA
NENE - 34 NENW - 7
SWNE - 26 SENE - 40
NESE - 36 NWSE - 5
SWSE - 20 SESE - 35

63-31794 POST
IRRI 3.28 CFS / 913.5 AFA
153 ACRES
STOCK - 0.12 CFS / 6.1 AFA
TOTAL - 2.47 CFS / 688.5 AFA
NENE - 34 NENW - 7
SWNE - 26 SENE - 40
NESE - 36 SWSE - 10

63-31795 PAUL A. AND SUSAN
M. BECKMAN
IRRI 0.81 CFS / 225 AFA
50 ACRES
TOTAL - 0.81 CFS / 225 AFA
NWSE - 5 SWSE - 10
SESE - 35

All of the files below this line will use the permissible place of use until the transfer is completed. The transfer will move the rights to the new places of use in the individual subdivision lots once they are approved.

63-32950
PAUL A. AND
SUSAN M.
BECKMAN
IRRI 0.13 CFS
36 AFA
8 ACRES
LOT 1 BELLA
VISTA SUB

63-32951
PAUL A. AND
SUSAN M.
BECKMAN
IRRI 0.13 CFS
36 AFA
8 ACRES
LOT 2 BELLA
VISTA SUB

63-32952
PAUL A. AND
SUSAN M.
BECKMAN
IRRI 0.13 CFS
36 AFA
8 ACRES
LOT 3 BELLA
VISTA SUB

63-32953
PAUL A. AND
SUSAN M.
BECKMAN
IRRI 0.13 CFS
36 AFA
8 ACRES
LOT 4 BELLA
VISTA SUB

63-32954
PAUL A. AND
SUSAN M.
BECKMAN
IRRI 0.13 CFS
36 AFA
8 ACRES
LOT 5 BELLA
VISTA SUB

63-32955
PAUL A. AND
SUSAN M.
BECKMAN
IRRI 0.16 CFS
45 AFA
10 ACRES
REMAINDER
OF RIGHT IN
SAME PPU