

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 5/4/2007

RE: DAVE AND JUDY CLASON TRANSFER, RIGHT 3-10197

The transfer proposes to change the point of diversion to a new location approximately 1,000 feet downstream from the old diversion point. The old point of diversion was 1/8 mile southwest of corner where Whitley Road turns south along the river in Lt. 1 (NENENE) S8 T7N R5W. The new point of diversion will be 1/8 mile north of that same corner in Lt. 5 (NESESE) A5 T7N R5W in Payette County.

AUTHORITY TO FILE:

The applicant is the owner of record. They have also supplied a Deed of Trust showing ownership. The applicant has also supplied a letter from the holder of the Security Interest approving of the transfer.

WATER RIGHT VALIDITY:

This water right has been recommended in the Snake River Basin Adjudication (SRBA). No known objections as of the date of this memo, but the objection deadline is 6/20/2007.

INJURY TO OTHER WATER RIGHTS:

This transfer was filed to move the point of diversion to a point on the applicant's property. There does not appear to be any other points of diversion between the two diversions.

ENLARGEMENT OF USE:

No enlargement or change in acres irrigated has been proposed. The change in point of diversion is on a slough, so it is likely the movement in diversion point would actually reduce the amount of water flowing by the new pump station.

LOCAL PUBLIC INTEREST:

There is nothing to suggest that this application is not within the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

Applicant proposed beneficial use consistent with irrigation 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 original statutory claim for this right has since been split into 3 separate portions. The applicant received the bottom portion of the original farm. The applicant feels it would be more efficient to install their own irrigation pump and only run water when they needed too, instead of being part of the larger system. This should not be a problem, since the old system will need to be downsized to handle the smaller diversion rate being drawn from that pump.

There are no significant overlapping water rights. Therefore, I can find no reason that this transfer could not be approved if it successfully completes the protest process.

CONDITIONS AND SUGGESTIONS

This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.