

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 10/30/2003

RE: BRACKETT RANCHES LTD TRANSFER, RIGHT 51-4045

The transfer proposes to adjust the irrigated acres within virtually the same legal tracts to increase irrigation efficiency. The land irrigated by this right was flood irrigated and the applicant wants to square up the field so he can use wheel lines to irrigate the property.

AUTHORITY TO FILE:

The applicant is the same name listed on the SRBA decree for this water right. The Corporate President, Bert Brackett, signed the application. Therefore, ownership to file this transfer has been proven. The tax lot information in our database shows that Brackett Livestock is the owner for the entire 40-acre tracts described in the before and after transferred place of use.

WATER RIGHT VALIDITY:

This water right was decreed in the SRBA on 12/1/2000. Therefore, Validity of the right should not be at issue.

INJURY TO OTHER WATER RIGHTS:

This right has been in use for several years. The old irrigation system was a gravity system with a very low efficiency rating. With the new system of wheel lines, the applicant will be able to produce a better crop with less water consumed. This should allow more water for downstream water rights.

ENLARGEMENT OF USE:

The applicant is not looking to expand the number of acres irrigated. They are simply re-aligning these acres to for a more efficient irrigation system. No enlargement of the water rights was proposed.

LOCAL PUBLIC INTEREST:

This ranch and water system has been in use for a number of years. Our office has no information to suggest that this application is not within the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

This ranch and water system proposes beneficial use consistent with conservation of water resources in Idaho and has been operating using licensed water rights with the State of Idaho.

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

SCANNED 10/30/2003

NARATIVE

This proposal seems to be a very good effort to utilize the best system for irrigating this area. I couldn't find any reasons to deny this application.

There are no overlapping water rights for the place of use. There are two in stream water rights overlapping the point of diversion. The applicant owns one of these rights and the other is owned by BLM. The overlapping rights have had priority over the irrigation right in the past and will need to be maintained in the future. Whereas, the applicant would be denying himself water if he did not maintain enough water in the creek for stockwater, I feel these rights should not be affected.

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.