

MEMORANDUM

Date: February 12, 2007
To: Transfer 73299
From: dcarlson
Re: transfer evaluation

This transfer proposes to separate Garden Creek water rights, dry up 7.5 acres of the original place of use and transfer this portion to a house lot owned by the Lagas. The existing northside Garden Creek diversion will still be used to irrigate this property. new owners -Kelly and Debbie Laga. Lienholder will comment on this.

Applicant wanted to provide water rights to this lot with just one of the best water rights. All of the 5 decreed rights are limited to one inch/acre and each individual right is limited to one inch/acre.

Unstacking one of the

rights to complete this transfer can be done without creating an enlargement.

The three rights that provide water to this property have similar priority dates.

Since stacked rights limits will all be maintained and no additional enlargement of acres will be allowed nor CFS limits enlarged. The last two rights 29-384 and 29-375 add no value and will be relinquished by transfer 73302.

Authority to File:

Applicant is the owner of record as far as the SRBA decree. New owners provided a warranty deed

Water Right Validity:

This water right was decreed in the SRBA in 2004. Forfeiture is not an issue.

Injury to Other Water Rights:

House lot has been receiving water from the wheatleys from garden creek irrigation company shares.

Watermaster comments requested.

Transfer will be advertised to determine any protests.

Enlargement of Use:

There is no evidence of enlargement of use. Acre limits will be reduced on the remainder portions.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.