

MEMORANDUM

Date: December 28, 2005
To: Transfer 72489
From: kwilson
Re: Evaluation

This transfer for rights 74-373 and 74-374 from Little Sawmill Creek, along with the following transfers has been filed to provide for irrigation under the irrigation system (pivots and hand lines) to reflect the current irrigation practices, and to establish a permissible place of use:

Transfer # 72490 for water rights 74-985, 74-4066A, 74-1066B, 74-1067, 74-1068, 74-1800A and 74-1800B from Hayden Creek; Transfer # 72491 for water rights 74-1072 and 74-1073 from East Fork Hayden Creek; and Transfer # 72492 for water right 74-1074 from Meadow Creek.

Authority to File:

The place of use is owned by Guardian Limited partnership No. 2, doing business as Lemhi Ranches. Warranty deeds are enclosed as evidence of ownership. Both Guardian Limited partnership No. 2 and Lemhi Ranches are registered entities with the Idaho Secretary of State.

Water Right Validity:

All water rights involved were involved in the Mary Adams, ET. AL. vs. the State of Idaho Decree, Civil Case Number 4948 (Lemhi Decree), and were decreed on December 30, 1982. All of the water rights have been recommended in the Snake River Basin Adjudication. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No change in the points of diversion is being proposed. The only change proposed has to do with rearranging irrigated acres to accommodate irrigation under the irrigation system, and provide a permissible place of use. No increase of any element of the water rights is being proposed.

Enlargement of Use:

The total number of acres of the permissible place of use is covered by the water rights involved with these transfers. Enlargement is not an issue.

Local Public Interest:

No issues identified.

Beneficial Use Conservation of Water Resources:

No issues identified.

Review of this application finds no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.