

MEMORANDUM

Date: November 09, 2005
To: Transfer 72277
From: rwarner
Re: Transfer Comments

This transfer proposes to change the place of use and to split the right with the new owner. The original place of use was on acreage that was sold to James R. and Janice Perry Gully. The warranty deed spells out that the property is sold with 1 inch of water with 3 inches remaining in possession of Sherrill and Ronnie Tillotson. The 3 remaining inches are then moved to new ground owned by the applicant and the applicants' son, Kody Tillotson. Transfer of water to the Kody Tillotson property is accomplished through a companion transfer no. 72279.

Authority to File:

Applicant has provided a copy of warranty deeds on both the property sold and the property to which he is moving the water right.

Water Right Validity:

The water right is has been decreed in the SRBA.

Injury to Other Water Rights:

Water District 29. Input was petitioned from the water master of Water District 29.

Enlargement of Use:

There is no evidence of enlargement of use.

Local Public Interest:

This transfer appears to not conflict with local public interest. It will be advertised to determine otherwise.

Beneficial Use / Conservation of Water Resources:

Transfer will provide for waters to irrigated lands in a manner consistent with state laws.

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.