

M E M O R A N D U M

Date: December 13, 2005
To: Transfer 72019
From: kwilson
Re: Evaluation

This transfer proposes to move acres around within the same legal description to accommodate irrigation under pivots and hand lines.

Authority to File:

Place of use is owned by applicants as evidenced by the enclosed warranty deeds. Koompin Brothers, LLC is a business entity registered with the Idaho Secretary of State as evidenced by the enclosed documents.

Water Right Validity:

Water right 29-2554 was decreed on 03/22/2004 in the Snake River Basin Adjudication. On 03/30/2005, the applicant filed a motion in the Snake River Basin Adjudication, to set aside/modify the partial decree on 29-2554. The motion was filed to change the place of use to a 4.4-acre field located in the SWSE Sec 22, T08S, R30E. This transfer on 29-2554 was filed on 05/12/2005. At that time the right was a licensed right and had a 70-acre limitation so the transfer was changed to reflect that limitation. The motion to set aside the partial decree was withdrawn by the applicant and the special masters report and recommendation was issued on 11/14/2005. Now that 29-2554 has been decreed without any acreage limitation the transfer was changed to reflect the water right as decreed after phone call discussion with applicant.

Injury to Other Water Rights:

This proposed transfer moves the acres around within the same legal description of the place of use. The points of diversion are for existing wells and are both within Row 9, Column 38 of the Eastern Snake Plain Aquifer Ground water Rights Spreadsheet. Injury would not appear to be an issue.

Enlargement of Use:

This transfer proposed to move irrigated acres around within the same legal description as decreed without any increase in the acres of right. There is no change in the points of diversion. Enlargement is not an issue.

Local Public Interest:

No issue identified.

Beneficial use Conservation of Water Resources:

No issue identified.

Review of this application finds there is no clear inconsistency with criteria set forth in Section 42-333 Idaho Code preventing processing of this application.