

MEMORANDUM

Date: November 18, 2005
To: Transfer 71892
From: rwarner
Re: Transfer Comments

This transfer proposes to change the place of use to a new place of use that already has a water right (29-191) albeit junior. The purpose, of course, is to better his priority at the new location. The Applicant delivered a letter dated March 5, 2005 stating that he wishes to reserve the right to transfer right 29-191 or a portion of that right to another place of use or another purpose of use within five years of the date of the transfer.

Authority to File:

Applicant has provided a copy of quitclaim deed and property description dated December 28, 1993.

Water Right Validity:

The water right is has been decreed in the SRBA.

Injury to Other Water Rights:

Water District 29. Input was petitioned and received from the water master of Water District 29. He did not oppose the transfer.

The transfer will result in a change in source moving water rights from the Portneuf River into East Bob Smith Creek, a tributary to the Portneuf. All water rights in East Bob Smith Creek are owned by the Applicant except for two instream stockwater rights owned by the BLM which are junior to the applicants associated water rights. Injury is not an issue.

Enlargement of Use:

There is no evidence of enlargement of use.

Local Public Interest:

This transfer attempts to put water into a gravity fed pipeline for more efficient irrigation

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.