

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 2/9/2005

**RE: CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS
TRANSFER # 72072, RIGHT 63-32099**

The purpose of this transfer is split the water right and move a portion of this right to another property also owned by the applicant. The applicant will retire 0.05 cfs, 8.1 afa, and 1.8 acres of irrigation at the current place of use and point of diversion located on the northwest corner of Canyon Street and Smith Ave, Nampa, ID in the SWNE S21 T3N R2W, Canyon County. The water being retired will then be moved to a new point of diversion and place of use located ¼ of mile south of US Hwy 44 on Lansing Lane in the NWSW and SWNW of S10 T4N R2W, Canyon County.

AUTHORITY TO FILE:

The applicant is the owner of record on the right being moved, and they have supplied a warranty deed showing the ownership where the right is going to be used.

WATER RIGHT VALIDITY:

This water right is a statutory claim that has been filed in the Snake River Basin Adjudication. Vicky Music of our adjudication staff reviewed this statutory claim and believes it would be recommended for 0.09 cfs and 3 acres of irrigation with a season of use of 3/1 to 11/15. Therefore, it is reasonable to allow this transfer for this amount.

INJURY TO OTHER WATER RIGHTS:

This right has been used in the past without consequence, and with the small amount of use being sought it doesn't appear there would be any significant problems in the area where the water will be used. I don't anticipate any injury from this transfer proposal.

ENLARGEMENT OF USE:

This transfer will move a primary water right to lands currently being irrigated by surface water. In order to retain the primary status of the ground water right, the applicant has requested that a condition be placed on the transfer that states that the surface water must be removed prior to diverting ground water. Therefore, no expansion of the right is being proposed.

LOCAL PUBLIC INTEREST:

There is nothing to suggest that this application is not within the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

Applicant proposed beneficial use consistent with irrigation standards for the area.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of the application.

NARATIVE

The only real issue with this transfer is that a primary ground water right is being moved to land covered by canal water from the Canyon County Water Company LTD. Steve Lester discussed this situation with Jeff Peppersack, and they agreed that the applicant could retain their canal water until the transfer has been approved. Mr. Peppersack requested that a condition be placed on the transfer approval that the applicant must submit written proof to the department that the canal water has been removed from the property prior to the diversion of ground water. If the ground water were diverted before the canal water is removed, then it would become supplemental to the surface water.

CONDITIONS AND SUGGESTIONS

This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.