

MEMORANDUM

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

RE: JASON AND BRANDI OSWALD TRANSFER # 71813, RIGHTS 63-32059

The purpose of the transfer is to split the right and use a proposed new well to irrigate applicant's 9.8-acre parcel resulting from the split instead of using the original wells that serve the entire acreage. The property and proposed well are located approximately 2 miles south of Lake Lowell and 5 ½ miles west of Hwy 45. Four partners purchased a 39-acre parcel, and have split that parcel into 4 separate 9.8-acre parcels. Each parcel will have its own wells and irrigation system.

PLEASE SEE ACCOMPANYING TRANSFERS 71811, 71815, and 71816

AUTHORITY TO FILE:

The applicants have supplied a warranty deed showing the original purchase of the 39 acres being split by the individuals who had originally purchased the property. Each partner has then filed a quit claim deed to separate the property amongst the original owners.

WATER RIGHT VALIDITY:

Right presumed valid since the right was claimed on 12/28/1989, and beneficial use occurred within the five-year period prior to that date based on the 1987 arc view photo. Beneficial use on the subject acres was confirmed by Jan Shurte 2/9/05.

INJURY TO OTHER WATER RIGHTS:

These rights have been used in the past without consequence, even though things have changed in this area over the years, it doesn't appear there are any significant problems in the area. I don't anticipate any injury from this transfer proposal.

ENLARGEMENT OF USE:

This transfer will actually help clarify current records to the volume originally licensed for this place of use. 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

Right 63-31287 is located in Canyon County and has not been recommended for decree as of the date of this memo. The parent right 63-3597 has been subject to numerous splits in the SRBA due to previous transfers and changes in ownership. An updated SRBA split tree has been created and attached to this memo. Please note that volume was originally licensed at 3.98 afa/ac. Right 63-31287 lists a volume/ac greater than the licensed vol/ac. Licensed rate was based on system capacity at the time of the field exam for parent right 63-3597. For whatever reason, some previous transfers involving right 63-3597 have resulted in the splits receiving more than the licensed vol/ac. Jan Shurte, with the SRBA, stated that the SRBA recommendations will be based on the licensed volume/ac. The SRBA claim files resulting from previous transfer splits involving parent right 63-3597 have been flagged.

No other rights overlap applicant's place of use in the NENW S15. There are also no overlapping rights on the proposed point of diversion. As mentioned above, this property has been split several times, so the original point of diversion does have several overlapping rights. Overlapping rights for this transfer should not be a problem.

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.