

MEMORANDUM

Date: February 03, 2005
To: Transfer 71625
From: rwarner
Re: Transfer Comments

This transfer proposes to add a point of diversion and change the place of use for the purpose of irrigating lands which could be more productive. The right associated with this transfer (29-7729) is from surface water in the Portneuf River. The right is conditioned such that it is in combination with another right (29-7209) which source is from a spring. The spring right is limited to 0.02 cfs diversion rate (for uses domestic, stockwater, and irrigation) and overlaps with the surface water right. Irrigation overlaps are located in the same locations except 1.0 acre listed for the spring right, SWNW Section 35, T07S, R36E that are coincident with lawn areas surrounding the applicants residence.

Authority to File:
Applicant has provided a copy of warranty deed

Water Right Validity:
The water right is a recently decreed right from the SRBA.

Injury to Other Water Rights:
Water District 29, lower Portneuf. This portion of the Portneuf is not regulated by a watermaster as of yet. Out of courtesy, comments have been solicited from the Watermaster of the upper Portneuf. The transfer will also be advertised in local newspaper.

Enlargement of Use:
There is no evidence of enlargement of use. Right will be conditioned to limit the amount of irrigation to 9.0 acres in combination to the spring right as was previously decreed.

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.