

MEMORANDUM

Date: December 30, 2004
To: Transfer 71560
From: rwarner
Re: Transfer Comments

This transfer proposes to change a point of diversion. Prior to this transfer, lands were irrigated under water right 34-2392 which included lands in sections 28 and 33 of Township 6 north, Range 26 east, Boise Meridian. Portions of that water right in section 28 were sold along with the sole existing point of diversion. The remaining water right following the change of ownership/split is 34-13647 and 34-13657. Hence, this transfer is to accomplish a point of diversion upon the property for which the water right pertains and to allow the existing point of diversion to stay with lands that were sold.

Authority to File:
Applicant has provided a copy of 2004 tax assessments.

Water Right Validity:
Water rights were decreed in the SRBA.

Injury to Other Water Rights:
Basin 34 Water District 34. Comments have been solicited from this entity and have been returned with no opposition. Transfer will also be advertised in local newspaper.

Enlargement of Use:
There is no evidence of enlargement of use.

Local Public Interest:
The Big Lost Valley has been in drought situation for the past several years and last year was subject to the Vaughn Jensen call on water rights. Mitigation for this call in the future may have a bearing on this water right.

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.