

MEMORANDUM

Date: October 27, 2004
To: Transfer 71485
From: kwilson
Re: Evaluation

This transfer proposes to change the place of use to facilitate irrigation under center pivots, add a point of diversion to the existing wells to maintain the diversion rate, and combine all wells into a common system.

Authority to file:

Place of use is owned by James W. Baker who is the recorded water right holder. Documentation of ownership is supported by warranty deeds and tax notices. The file includes authorization from the mortgage holder to add a new well and move acres within those lands described in Exhibit "A" on which the mortgage company has a vested interest.

Water Right Validity:

Rights 35-2599, 35-2685, 35-7490, and 35-13046 were recently (2002) decreed in the Snake River Basis Adjudication. The Idaho Department of Water Resources, in 1993, licensed water rights 35-7488 and 35-7489. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

The existing points of diversion of the rights involved in this transfer are all in Row 18, Column 41 of the ESPA Model Grid. Adding a point of diversion within the same ESPA Model Grid to maintain the total diversion rate of the rights involved with this transfer will have no net effect and would thus not cause injury to other water rights.

Enlargement of Use:

Maintaining the water rights diversion rate, acre-feet, and total acres limitation does not constitute an enlargement.

Local Public Interest:

No issue identified.

Beneficial Use Conservation of Water Resources:

No issue identified.

Review of this application finds no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.