

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 8/12/2004

**RE: FREDRICK ASHWORTH AND DAWN ROY TRANSFER,
RIGHT 02-2073B**

PLEASE REVIEW TRANSFER 71312 ALSO FILED ON BASE RIGHT

The transfer proposes to add a separate pumping station in the Snake River for their property rather than sharing the original pump station.

AUTHORITY TO FILE:

The applicant supplied a warranty deed and corporate officer records showing the ownership of the land where the water right is described.

WATER RIGHT VALIDITY:

This water right has been reviewed Jan Shurte. Please review Lori Graves memo in Transfer 71312. From these reviews it seems as though the water rights are valid.

INJURY TO OTHER WATER RIGHTS:

The development of this subdivision has raised some controversy, but the small amount of water being requested in this transfer does not seem excessive. The transfer proposal will move existing irrigation to the subdivision. I anticipate any injury from this transfer proposal.

ENLARGEMENT OF USE:

This water right was originally licensed to this property and has been used. No enlargement of the right has been 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.

SCANNED

AUG 26 2004

NARATIVE

Two transfers have already been filed on these rights. Lori Graves' transfer memo in 71312 covers all of the details associated with this transfer. There is no other additional details that should need to be covered under this transfer.

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.

SCANNED
AUG 26 2004

MEMORANDUM

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TO: Transfer File No. 71312

FROM: Lori Graves

DATE: 6/14/04

RE: Evaluation of Sufficiency of Information Submitted

Brief: Applicant proposes adding a separate pump in the Snake River for irrigation rather than sharing a pump station.

The site is aka lots 14 and 15, block 1, Hidden Valley Estates located four miles south of Marsing and ½ mile east of Hwy 78, next to the Snake River.

Authority to File: Applicant attached warranty deeds for the subject property.

Water Right Validity: Right presumed valid since the right was claimed on 12/7/1988 and beneficial use occurred within the five-year period prior to that date. SRBA Supervisor Jan Shurte confirmed that claim 2-2073C appeared to be valid after reviewing supporting maps including the 1978 ortho photo, a 1987 planimetered FSA map, and 1987, 1992 and 2000 arc view photos. Jan Shurte stated that the 103.2 acres listed on claim 2-2073C would be recommended as licensed, which includes Hidden Valley Estates' lots 1 through 19 and a small portion of lot 20, all located adjacent to the Snake River.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No change in nature of use has been proposed.

Local Public Interest: No negative impacts are anticipated.

Beneficial Use/Conservation of Water Resources: Applicant proposed beneficial use consistent with conservation of water resources in Idaho.

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

Additional Information: Applicant listed .08 cfs for irrigation of his portion of water right 2-2073C. The amount should be .07 cfs. He also listed his proposed p/d in the description of portion of right being transferred on part 2, page 4 of the transfer. I called the applicant to have him visit the office and initial the changes, however, he is in Alaska for an extended period of time. The applicant's wife agreed that the changes were minor enough to correct in my review analysis, without having her husband's initials. She stated that she would mention the corrections to Gary when he checked in.

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Discussion: The original right was split into A & B in the SRBA. The B portion was then subdivided into Hidden Valley Estates, which consists of several individual lots, 20 of which are adjacent to the Snake River. Similar transfer no. 5462 was approved in 1999 for one of the 20 lots (lot 5), which split 63-2073B into C & D. With so many individual lots and so little transfer action, I called the developer, Jess Van Hall, and asked if the other lots had sold. He confirmed that most of the lots had sold and that he, as well as many of the lot owners, were unaware that a transfer application was required for irrigating individual lots with a private pump rather than using the licensed pump system. He stated that he would notify all the current and future owners about the transfer requirement.

In the anticipation of numerous future transfers on water right 2-2073C, an in-house split was made for this transfer creating rights 2-10245 and 2-10246. A Van Hall split tree and chart, attached to this memo and available in AW02Common under water right processing, can be used to track previous splits and be made current with future splits.

Permit 2-7463 appears to overlap the p/u. The permit was filed by Hidden Valley Estates for acres in **addition** to those licensed on 2-2073C.

Conditions: Assuming protests are not filed and/or other information does not contradict the above analysis, and assuming it is determined the application should be approved, the conditions listed on the draft transfer approval should be applied.

SCANNED

AUG 26 2004