

MEMORANDUM

Date: August 30, 2004
To: Transfer 69741
From: E Retelle
Re: Evaluation of Sufficiency of Information Submitted

Transfer involves rights 43-2300A, 43-4169 and 43-2322 that serve as groundwater rights for Roger and/or Josephine Neddo. This transfer involves consolidating rights from two adjacent farms owned by the applicants. The transfer will make it possible for the applicants to use water from whichever well is convenient on their authorized lands. It also corrects the legal description of the location of one of the wells that was decreed incorrectly.

- **Authority to File:**

Applicants are listed as current owner of rights on IDWR records.

- **Water Right Validity:**

Rights 43-2300A, 43-4169 and 43-2322 have all been reviewed and were decreed by SRBA March 26, 2003.

- **Injury to Other Water Rights:**

None anticipated. Water to be diverted from the same wells and used in same amount as always.

- **Enlargement of Use:**

None apparent. Rights to be used in same amount and at same place of use as always. Overlapping water rights 43-10586, 43-10587 and 43-2303A were disallowed because of no beneficial use. The applicants reported that there is not typically water available and there are no conveyance works to use water from the Raft River source, so rights 43-2224A and 43-2223A are not being used. They were not forfeited because Chapter 42-223, Idaho Code dictates no portion of any water right shall be lost or forfeited for nonuse if the nonuse results from circumstances over which the water right owner has no control. These two rights are still active claims in the SRBA. They are not included in the transfer, but they do have the same place of use as those in the transfer.

- **Local Public Interest:**

No negative impacts anticipated.

- **Beneficial Use/Conservation of Water Resources:**

Proposed use of water is recognized as beneficial use of water.

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