

MEMORANDUM

Date: November 30, 2015
To: Transfer 80195
From: Nick Van Dyke
Re: Review & Evaluation of Sufficiency of Information

Narrative: Transfer No. 80195 was filed to change/consolidate the points of diversion for rights 57-2271, 57-2278, and a portion of 57-11711, as well as creating a permissible place of use (ppu) among the rights for irrigation flexibility. 390.8 acres will be authorized within the 531 acre ppu. General location is about 16 miles WNW of Grand View, south of the Snake River. The new portion of 57-11711 being modified has been numbered 57-11876 thru the transfer process (more on the splitting of the right below under authority to file).

Currently rights 57-2271 and 57-2278 list five points of diversion. These five are being removed and will no longer share points of diversion with rights 57-11798 and 57-11799 (splits of 57-2277, mentioned in current diversion overlap conditions). Right 57-11711 currently lists two points of diversion. The change/consolidation will list three points of diversion, one new well and both of 57-11711's existing wells, on 57-2271, 57-2278, and 57-11876 after transfer. See attachment 7A and 7B in application for illustration. Application for Permit No. 57-11864 was also filed at the same time as this transfer and if approved will be incorporated into the same 531 acre ppu and use the same three wells as the transferred rights.

Authority to File: Kevin Paulson of MKFT Real Estate LLC (MKFT) signed the application. As shown on the limited liability certificate filed with Idaho Secretary of State's office, he is a manager/member authorized to sign. SPF Water Engineering LLC (SPF) is acting as consultant.

Right 57-11711 should have been split by ownership prior to the transfer filing. An ownership change was received 12/22/2014 (receipt no. W042706) that placed all of rights 57-2271, 57-2278, and 57-11711 into MKFT ownership. The ownership change was completed in error (document cannot be found) in that a portion of 57-11711 (4 acres in the SWSW of Sec 25 T04S R01W) should have been retained in Hart Creek Ranch LLC ownership. Transfer 80195 remedies this by keeping 25.8 acres in MKFT ownership and placing four acres back into Hart Creek Ranch LLC ownership as it would show if the ownership change had been processed correctly. Proper fees were submitted as outlined in SPF's 6/22/2015 cover letter in file.

Water Right Validity: 57-2271 and 57-2278 were decreed in January of 2003. 57-11711 was licensed in November of 2012. No evidence of forfeiture found.

Injury to Other Water Rights: None anticipated. The transfer will move the recorded diversions to closer proximity relative to the place of use and away from other wells.

Enlargement of Use: None anticipated. Rights will be conditioned according to Department standards.

Local Public interest: No issues identified.

Beneficial Use/Conservation of Water Resources: Proposal falls within the concept of beneficial use/conservation of water.

Effect on Economy the Local Area: No anticipated negative impact.

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.