

MEMORANDUM

Date: August 7, 2014
To: Transfer 79388
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This is one of two transfers, submitted simultaneously, that together equalize the rate of water delivered to two POU's. This transfer also proposes to formalize a combined place of use, and add points of diversion so that any right included in the transfer can be diverted from one of three PODs which service the combined place of use.

Prior to the two transfers, one POU had a rate per acre of 0.009 cfs while the other POU had a rate per acre of 0.016 cfs. After the approvals, each POU will have a rate per acre of 0.014 cfs. The other transfer is number 79386.

Authority to File:

The applicant has the authority to file.

The signatory on the application, Rhett Summers, is the Secretary of both Summerco Management Inc and Summerco Inc, according to those companies' 2013 Annual Reports filed with the Idaho Secretary of State.

According to Madison County tax lot data, updated 2/21/2013, all of the property from and onto which water will be transferred is owned by Summerco Inc, Summerco Management Inc, Rhett Summers, or Gary Summers. Gary Summers is the President of Summerco Inc and Summerco Management Inc according to those companies' 2013 annual reports.

Water Right Validity:

The water rights are valid.

The water rights were all decreed in either 2008 or 2011, and right 22-7515 was licensed in 2013. Review of post-decree aerial photography indicates consistent use of the rights.

Injury to Other Water Rights:

No injuries will result from this transfer.

Because the same volume of water and number of acres are being exchanged between the two POU's, an ESPA transfer analysis is not required. Additionally, all of the PODs in the transfer are in adjacent ESPA cells.

Enlargement of Use:

No enlargement will occur as a result of this transfer. Rate, volume, nor irrigated acres are authorized to be increased.

Local Public interest:

No issues identified.

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.