

MEMORANDUM

Date: August 6, 2014
To: Transfer 79386
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This is one of two transfers, filed simultaneously, which together propose to equalize the rate of water distributed over two POU's. This transfer also serves to formalize a combined POU. Prior to the two transfers, the smaller POU had a rate/acre of 0.009 cfs while the larger POU had a rate/acre of 0.016 cfs. After the two transfers, both POU's will have a rate/acre of 0.014 cfs. The second transfer is number 79388.

Authority to File:

The Applicant has the authority to file.

According to Department records, all water rights involved in the application are owned by Summerco Management Inc. or Summerco Inc. The signatory, Rhett Summers, is the secretary of Summerco Management Inc. and Summerco Inc. according to the organizations' 2013 Annual Report filed with the Idaho Secretary of State.

According to Madison County tax lot data, updated 2/21/2013, the land from and onto which the transfer proposes to move the POU's and POD's are all owned by one of three entities: Summerco Management Inc, Summerco Inc, or Gary Summers. Gary Summers is the President of Summerco Management Inc & Summerco Inc, according to 2013 annual reports filed with the Idaho Secretary of State.

Water Right Validity:

The water rights are valid. The three rights involved in this transfer were all decreed in 2008. Aerial photography demonstrates consistent post-decree irrigation.

Injury to Other Water Rights:

No injury to other water rights will occur as a result of this transfer. Because the same volume of water and number of acres are being exchanged between the two systems, an ESPA transfer analysis was not required. Additionally, all POD's are in adjacent ESPA cells.

Enlargement of Use:

No enlargement will occur as a result of this transfer. The total volume, rate, and number of irrigated between the two POU's will not increase.

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.