

MEMORANDUM

Date: February 8, 2012
To: Transfer 77519 File
From: Jeff Cooper
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes to change the point of diversion (POD) for groundwater right 37-22244, which allows for up to 0.12 cfs (6.1 acres, 21 AFA) of irrigation from a well located approximately 0.4 miles west of Bellevue (Red Cat Subdivision, L1) to an existing well located on an adjacent parcel, owned by the applicant (Red Cat Subdivision, L2). Water diverted from this well is currently used to irrigate ground within the same lot as the proposed POD (Red Cat Subdivision, L2). Application also proposes to change the place of use (POU) for this right along with Big Wood River right 37-22212 (0.15 CFS, 6.1 acres), which has an overlapping, combined POU. A 6.8-acre PPU is proposed to incorporate adjacent acres to allow for flexible irrigation practices.

It should be noted that when application T77519 was filed, the authorized POD for right 37-22212 was located in the NWNESE of Sec. 35, TWP 02N, RNG 18E. Application originally proposed to correct the location to a POD in the adjacent 10-acre tract in the NWNESE of Sec. 35, TWP 02N, RNG 18E. However, an amended decree was issued shortly after the application was filed locating the POD of right 37-22212 to the proposed location. Because of this, no change is proposed to the POD of this right. Also, a conditions for right 37-22243, indicating 37-22243 and 37-22244 are diverted from the same POD, was updated. Because right 37-22212 is within the jurisdiction of WD 37 and is delivered through the Broadford Slough, comments will be solicited from those agencies. Due to the nature of this transfer, it is recommended that it be processed with a public notice and protest period.

- **Authority to File:**
The applicant is currently listed as the current owner on rights 37-22244 & 37-22212. Application also included a 2011 tax notice for the parcel with the appurtenant rights. T77519 was filed on behalf of the applicant by Zach Latham of Brockway Engineering, whom included a limited power of attorney indicating his authorization to file on behalf of the water right owners.
- **Water Right Validity:**
Right 37-22244 was partially decreed in the SRBA on December 29, 2011. Right 37-22212 was originally partially decreed in May of 2009, but contained errors. The decree was set aside and an amended decree was issued on September 29, 2011.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses 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.