

MEMORANDUM

TO: Transfer No. 71325 through 71346 Files

FROM: Steve Lester 

DATE: October 5, 2004

RE: Evaluation of Sufficiency of Information Submitted

This **memo serves 22 transfer applications – numbers 71325 through 71346**. The applications were filed by a single owner to split irrigation right 63-31213 into 22 pieces, where each split will include a separate well for a separate subdivision lot in High Plains Estates. The site of the existing and proposed rights is around West Hartley Gulch in northeast Canyon County about one mile south of Gem County.

Transfer application attachments and IDWR information (memo etc.) common to all of the applications are filed under T71325 for convenience. Contact person is Terry Scanlan.

The parent right is adjudication record 63-31213. Two small portions of that right were split off for other owners recently - pending approvals 63-31894 and 63-31895 for land west of the subdivision (transfers processed by Dan Nelson). The balance of the parent right is proposed for change under these 22 transfers, proposed rights 63-31896 through 63-31917. All 24 splits were created together via the in-house split method.

Attachment A in T71325 explains the entire scenario (consultant letter).

Summary of Information Submitted

Authority to File: The applicant, High Plains LLC, is registered business entity #W23277 (Attachment B) owning the entire right proposed for the 22 splits as confirmed by the deed (Attachment C). The applicant has authority to file the transfer applications.

Water Right Validity: The right is presumed to be valid based on previous transfers and the 1987 aerial photo confirming beneficial use for the adjudication claim filed in 1989 (originally claim 63-7421 before any splits).

Injury to Other Water Rights: The 22 transfers propose use of the rights at the existing or slightly modified P/U. The subdivision falls within or adjacent to the existing P/U. Properly conditioned approvals should not result in injury to other water rights.

Enlargement of Use: This is a primary right. No other rights are involved in the existing or proposed places of use. An enlargement will not occur for continued irrigation.

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Local Public Interest: The transfers do not appear contrary to local public interest.

Beneficial Use/Conservation of Water Resources: The transfers propose a beneficial use consistent with conservation of water resources in Idaho.

Review of the information finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the 22 applications.

Additional Information &/or Analysis

Additional IDWR analysis is not necessary. Comment letters are not required.

The electronic folder to supplement PowerDocs is labeled High Plains 71325-71346.

Correct fees were paid – all applications required \$100 payments except T71338 for \$290.

Well drilling permits for exempted domestic use, if issued, will require \$165 fee upgrades for irrigation use proposed by the transfers. Western Region will determine payment status for any exempted well drilling permits before forwarding transfer files to the State Office.

Data entry affected the correct record – splitting adjudication record 63-31213 into portions 63-31894 through 63-31917 (24 portions for prior and current transfers as previously noted). T71343 for subdivision Lot 19 was amended today to correct a minor typo in Part 2 B(3) – existing P/U to change. This revision occurred before advertising and does not require a fee.

Attachment E summarizes proposed rates and volumes for irrigated acres for each subdivision lot (plus the other 2 splits from most recent transfers - listed under Weber on the attachment). Due to rounding issues associated with numerous simultaneous splits, minor adjustments must be made to a few individual values to balance before and after total rates and total volumes. These minor adjustments are reflected in draft approvals. Adjustments were limited to 0.01 cfs or 0.1 af.

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Ownership changes are expected as subdivision lots are sold. The in-house splits to allow 22 transfers to be processed together will facilitate ownership changes as they are filed.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the transfers can be approved as shown in the draft approvals.

* T 71325, 63-31896 - ownership change to WONG completed by 12/14/04.
T 71345, 63-31916 - " " in process for Nelson,
incomplete documentation received 12/9/04. Completion will
follow when Nelson shows proof of ownership.
-SL 12/14/04

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