

MEMORANDUM

Date: September 06, 2011
To: Transfer 75446 Sienna Hills Dev.
From: shemenway
Re: Evaluation of Sufficiency of Information Submitted

The Transfer Proposes:

To Consolidate 3 irrigation wells into one POD for the pressurized irrigation system serving Sienna Hills Subdivision. Change the POU to reflect the actual irrigated acres of the subdivision PPU. With this transfer involving the same property but reflecting the actual irrigated acres within the PPU; reducing the 3 PODs to 1 new POD, and no hydrologic changes, these are the reasons no advertising was required.

The Proposed POD Site is: T3N, R3W, Sec. 14, NWSW (for this reason Condition 046 was added).

The POU Sites are: 212.0 acres making up the PPU within T3N R3W Sec 14, SWNW, NESW, NWSW, SWSW, and T3N R3W Sec 23, NWNW, SWNW.

Contact person for the applicant is: David Shaw, ERO Resources, 3314 Grace St., Boise, ID 83703 (208) 373-7983

SUMMARY OF INFORMATION SUBMITTED:

Authority to File:

Owner/Applicant. A Warranty Deed and ownership change from Neil J. Swenson and Barbara A Swenson, to Howell-Murdoch Development Corp. Tax Lot information shows Howell-Murdoch Development as owners. An Ownership Change and Warranty Deed from Neil J Swenson and Barbara A Swenson, to Sienna Hills Dev. for 63-2812. An Assignment of Application for Transfer was submitted assigning Transfer 75446 from Howell-Murdoch Development over to Sienna Hills Dev. (both Howell-Murdoch Dev. and Sienna Hills Dev. have the same address and board members, but Sienna Hills Dev. is just another separate entity).

Water Right Validity:

Right presumed to be valid based 63-2812 Decreed on 2/6/2009, 63-11714 Licensed on 10/19/2006 and 63-10438 Licensed on 7/3/1993. Original Application for Transfer is dated 9/20/2006. ArcMap confirmed irrigation use.

Injury to Other Water Rights:

None

Enlargement of Use:

None. No changes in rate/volume, or acreage.

Local Public Interest/Advertised:

None. Same property, but reflecting the actual irrigated acres within the PPU. Reducing 3 PODs to 1 proposed POD, and no hydrologic changes, therefore no additional advertising required.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use(s) consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I.C. 42-222 preventing processing of the application.

Additional information applicant should provide:

None

Mitigation:

N/A

POD Overlaps after the Transfer:

63-33411, 63-2812, 63-11714

POU Overlaps after the Transfer:

63-33411, 63-2812, 63-11714 (all 3 have the same 212.0 acre PPU)

Conditions:

Each water right was limited to its individual acres within the authorized 212.0 acre PPU. The combined limit with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use. Supplemental conditions were applied per the proposed use under the transfer (using surface water as primary, per the application and the 6/6/2011 meeting). 046 was added for the one proposed well; condition 206 was not needed since this is a subdivision where there are houses and roads, etc so a new map showing acres irrigated would not be required; On 63-11714, R61 was changed to R65 to be consistent with the other 2 water rights; On 63-2812, 01M was added to be consistent with the other 2 water rights. WB7 was added to be consistent. X35 was added to all 3 water rights for the combined limit of 150.0 acre and 675.0 af.

Fees:

\$330 fees were paid. \$290 on 9/20/2006 W034705, and \$40 on 5/27/2011 C093188. Per Pam Skaggs on 5/18/2011, there is no amendment fee added since this did not require additional advertising.

Objection:

None. No additional advertising was required.

Additional Notes:

On 6/6/2011, a meeting was conducted with David Shaw and Pam Skaggs, where it was decided not to split 63-2812 prior to submitting an application to the water supply bank. The 3 water rights involved would be supplemental to surface water irrigating 150.0 acres within the PPU of 212.0 acres. Supplemental conditions were to be applied per the proposed use under the transfer (using surface water as primary). On 8/24/1022, per management, a condition 224 addressing historical use of ground water as the sole source of water for irrigated acres under 63-2812 will be identified on the concurrent Water Supply Bank Lease approval for 35 acres of this right. Should the leased portion of Right 63-2812 be released from the bank and use resumed at the place of use authorized under Transfer 75446, the entire right will be considered supplemental to irrigation district rights per transfer approval conditions.

In a 6/14/20011 email from Dan Nelson, it was confirmed that the water right 63-2812 was developed as and has historically been the sole source of water on the authorized irrigated acres. On 8/24/2011, per management it was decided that a condition addressing historical use under the portion of the right proposed leased to the bank as the sole source of water should not be included on transfer 75446 approval.

On 6/16/2011, an Assignment of Application for Transfer was received from Howell-Murdoch Development, assigning all rights, title, and interest in the Application for Transfer No. 75446 to Sienna Hills Development Corp.