

MEMORANDUM

TO: Transfer No. 77434 File

FROM: Vicky Music

DATE: August 29, 2011

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the point of ground water diversion for water right no. 63-33461 from the licensed point of diversion [POD] to a well recently drilled well in a different quarter-quarter for domestic purposes.

The site is located 0.50 miles southwest of the intersection of Davis Avenue and Midway Road, and 2 miles west of Nampa, Idaho.

Contact person for the applicant is consultant Lori Graves, SPF Water Engineering, LLC.

Deviations from Transfer Policy Standards

The application was filed on the "short form" or the transfer form used for changes in points of diversion. In this case, the transfer seeks to change the licensed point of diversion in the SESW of Section 19, Township 3 North, Range 2 West, to a domestic well drilled in 2011. The domestic well is in the NWSW of Section 19.

The application should have stated that a POD was to be added because the original POD is located on a parcel not owned by the applicant. This deviation should not delay processing.

The drilling permit upgrade fee was paid and there are no deviations from the transfer policy. Because of the simple change proposed, the application will not be advertised.

Summary of Information Submitted

Authority to File:

The applicant is the IDWR owner of record of water right 63-33461 and has the authority to file the application.

Water Right Validity:

SRBA is not applicable to this right developed after 1987. The church site does not appear irrigated in the 2009 aerial photo. IDWR does not have aerial coverage for 2005 to determine if irrigation occurred in the past 5 years. However, the property was split and a change of ownership filed by the church in 2010. The licensed POD is not on the applicant's parcel so this application seeks to add a POD so that the applicant can use its pro-rata share of the parent right. The well proposed to be the POD was drilled in June 2011. The activities of the applicant in the past year demonstrate the intent to beneficially use the right, hence, the right is presumed to be valid.

Injury to Other Water Rights:

Injury is not expected by adding a POD because the underlying right is valid. The applicant is simply adding a POD for its pro-rata share of the parent right to its property.

Enlargement of Use:

No enlargement of the diversion rate, diversion volume or the consumptive use volume is proposed or expected. The original right, 63-11494A was a supplemental right and when it was split, 63-33461 included the condition requiring the water user to fully use surface water before using this right. Retaining this condition will prevent enlargement.

Local Public Interest:

There are no apparent local public interest concerns.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use 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/Analysis and Discussion

No additional information is required of the applicant. The application will not be parallel processing so no concurrence with a SO reviewer is needed, nor is analysis needed from other IDWR programs or personnel.

Watermaster comments will not be solicited. There is no need to solicit other comments.

Data entry affected the correct record.

The priority date of the underlying right is 1991. An SRBA claim was not needed.

Overlapping rights at existing &/or proposed POD &/or POU <discuss as needed.

There are no mitigation or Water Bank issues.

The well is only 125' feet and is in the Boise Basin, Basin 63, the water-bearing zone is 110 feet – 120 feet. However, it is not in the Memo no. 59 area of concern.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 n/a since a new well(s) is not proposed.