MEMORANDUM

TO: Transfer Nos. 76931, 76932, 76933 & 76934

FROM: Kay Walker

DATE: March 17, 2011

RE: Evaluation of Sufficiency of Information Submitted

These transfers all propose to change the point of diversion of original right 63-9179D to wells on lands owned by the current property owners. Each of the property owners had drilled a domestic well for use at their property. Well drilling upgrade fees have been requested by letter of 3/16/2011. There is no change in place of use.

The site is located south of the Emmett Valley on the northwest side of the railroad tracks next to Little Freezeout Rd. on the north side of Gem and Canyon County line.

Deviations from Transfer Policy Standards

The original right was decreed with a 10 acre tract description for the point of diversion. The transfers were not filed with the 40 acre tract descriptions provided but each of the applications has a subdivision map attached with the location of the wells clearly marked. We will insert the locations into arc view, as shown on the maps provided, so that the wells can be clearly identified.

Summary of Information Submitted

Each of the applications appear to be submitted with enough information to process. We did identify a slight error in the volume amounts to be used. We have sent correspondence to advise the applicants that we may be correcting the volume amounts during our processing of the applications if we do not hear otherwise from them.

Authority to File:
The original water right is in the name of the applicants for Transfers 76931 and 76932. Each of the applications has a copy of a warranty deed attached providing documentation of ownership of the property under this development.

Water Right Validity:
The original right is presumed to be valid because the partial decree was issued on April 3, 2009, within the past five year period.

Injury to Other Water Rights:
There should be no injury to other water rights since there will be no more property irrigated. Additional wells will be used to irrigate the property which will allow less pumping from the original well.

Enlargement of Use:
No enlargement can occur. The property has previously been irrigated from another well in the area.

Local Public Interest:
It is within the local public interest to allow property owners to utilize their own wells rather than sharing a well with neighboring properties.

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.

Discussion

Data entry affects the correct records since partial decree of Rt. 63-9179D had been migrated prior to the splits being completed for each of the transfers.

There are no overlapping rights at the existing POU. As mentioned above, there is no change in place of use. There are other rights at the existing point of diversion but no overlapping rights at the proposed points of diversion. The rights diverted from the existing point of diversion are rights 63-32445 and 63-32446 which have the exact same priority date as the rights in the transfer applications. The overlapping rights originated under Rt. 63-3179.

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 is not applicable since new wells are not proposed, however, we do need to make sure the applicants have submitted their well upgrade fees before any further action can be taken.