

MEMORANDUM

TO: Transfer No. 76982

FROM: Kay Walker

DATE: March 21, 2011

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the point of diversion of this water right. No other changes are contemplated.

The site is located in Round Valley, approximately 3 miles northeast of Smiths Ferry.

Contact person for the applicant is Steven Hannula of ERO Resources, 3314 Grace St., Boise, ID, 83703, at 373-7983. The applicant requests all original correspondence be sent to him and copies sent to the representative.

Deviations from Transfer Policy Standards

Application appears to be in good form to be processed.

Summary of Information Submitted

Authority to File:

The applicant is water right holder of record.

Water Right Validity:

Right presumed to be valid since the right was decreed on January 5, 2006 and right holder filed an Extension of Time to Avoid Forfeiture on September 20, 2010 which was approved in December of 2010, allowing the right holder to resume use in 2016.

Injury to Other Water Rights:

There should be no injury to any other rights since this land has been previously irrigated from this source. There is no change in place of use contemplated.

Enlargement of Use:

No enlargement should occur. Applicants land is surrounded by other water users and there would be no place to enlarge this right to.

Local Public Interest:

It is within the local public interest to allow a right holder to move their point of diversion to lands owned by them rather than diverting from lands owned by another party.

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

Watermaster comments will be solicited.

Other important comments requested include comments from Jim Kling who owns the property where the point of diversion is currently located.

Discussion

Data entry affected the correct record. The right was decreed under 65-5033C and then split by transfer into 65-23441 and 65-23442. Rt. 65-5033C was migrated before the splits were accomplished.

Overlapping rights at existing POU are Permits 65-22650 and 65-23015 which were filed by prior owner. The prior owner is not willing to assign Permit 65-23015 over to the new right holder per item 5e on the transfer application form and Permit 65-22650 is not mentioned at all. Permit 65-22650 has had beneficial use submitted for irrigation of 20 acres from a well. Permit 65-23015 is a permit that was recently approved for use of a spring and unnamed stream for 10.0 af of storage in a pond and irrigation of the same 34 acres under the right being transferred. Proof of beneficial use has not been submitted for that permit. Since permits are personal property we will assume they will not be assigned.

There are no overlapping rights at the proposed point of diversion from Chipps Creek. The existing point of diversion supplies water to Rt. 65-5033A, for Jim Kling, and 65-23442 which is also being transferred off of the Kling property to their own property. A comment letter will be sent to Mr. Kling to solicit his thoughts concerning these proposals.

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.