

MEMORANDUM

Date: April 26, 2011
To: Transfer 77180 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes drying up and moving two ground water rights from a farm located approximately 4-5 miles north and 0.25-0.50 miles east of Malta to a farm located approximately 14-15 miles north and 8.2-9.0 miles east of Malta. An existing and a new well to be drilled will divert up to 2.08cfs (616af) to irrigate 154 acres at the new authorized place of use. The proposed new well and the existing well are located outside of the Raft River Critical Ground Water Area; however 28 acres of the new place of use is within the Raft River Critical Ground Water Area.

- **Authority to File:**
The applicant has submitted two purchase and sales agreements for the water rights involved in the transfer. These documents authorize the applicant to act on behalf of the parties involved in the sale of the water rights and allow the applicant to submit the transfer. The applicant will provide the appropriate deeds conveying the water rights to the owner of the proposed place of use after the approval of this transfer, at which time the new owner will submit a Notice of Change in Water Right Ownership for the rights involved in the transfer. A notarized letter was provided from the mortgage holder for the current and proposed POU approving the transfer.
- **Water Right Validity:**
Water Rights 43-4112, and 43-2325 were decreed in 2002. These water rights were accepted into the Water Supply Bank in 2007 and have been rented by the subsequent new owner of the water rights after approval of the transfer and are currently use at the proposed place of use.
- **Injury to Other Water Rights:**
None anticipated. Part of the proposed POU is within the Raft River Critical Ground Water Area; however the proposed wells are outside of the Raft River Critical Ground Water Area.
- **Enlargement of Use:**
None anticipated. The proposed POU will be limited to the combined acre limits of the water rights. The applicant has submitted a Relinquishment of Water Right 43-2009 from Raft River that is combined with the rights involved with the transfer to assure no enlargement.
- **Local Public Interest:**
Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water and sprinklers are to be used for irrigation.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.