

MEMORANDUM

TO: Transfer No. 77066 File

FROM: Steve Lester

DATE: March 4, 2011

RE: Evaluation of Sufficiency of Information Submitted

The transfer seeks to add two existing wells to a decreed right to address well production problems with the single well currently identified in the right.

All three wells are close together. The current POD is in Ada County, and the proposed PODs are across the section line in Canyon County. This requires legal notices in both counties. The site is in the Power Butte area between Kuna and Melba.

Consultant Garren Apple of AGPro is the contact person for the applicant. Per his request, the application is being expedited to prepare for this irrigation season.

Summary of Information Submitted

Authority to File: The applicant has authority to change the right currently recorded in its name. The applicant is registered with IDSOS, W33251.

Water Right Validity: The right is valid based on the 2009 decree.

Injury to Other Water Rights: Adding two existing wells is presumed to be injury-free unless otherwise noted by the legal notice process. Note those wells were drilled in 2007 under two permits approved without protests several years ago. See discussion portion of this memo for more about those two wells.

Enlargement of Use: Restoring full production under the fully valid right will not enlarge it.

Local Public Interest: Assuming no protests, the local public interest is served by this proposal.

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

The site is not within any areas of concerns for ground water issues.

Part of the right is in the water bank. Any approval cover letter for this application will discuss water banks issues.

The two existing wells to be added to the right were drilled in 2007 for permits 63-32365 and 63-32988. Those permits were approved for subdivision use that remains undeveloped and probably will not be developed, according to the consultant. Proofs of beneficial use for the permits have not been filed and are not due until 2012. Drilling permit fees at \$200 each were paid for those wells. See Tags D48010 and D48126 in the name of BPB Development Co. for those two well logs.

POU is not changed by the transfer. It is within the Boise Project irrigation boundary but does not receive surface water for irrigation.

Data entry affected the correct decreed and migrated record.

Summary

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

Condition 046 N/A since well drilling is not proposed.