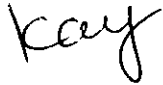


MEMORANDUM

TO: Transfer No. 76524

FROM: Kay Walker 

DATE: September 8, 2010

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the place of use of water rights to their original location. Due to a property sale the rights were considered to be sold but documentation has now been submitted wherein the rights are officially returned to the original owner by Quit Claim Deed.

The site is located approximately 5.5 miles north of Cambridge inside the Rush Road loop and northwest of Cow Creek Road.

Deviations from Transfer Policy Standards

The transfer has been submitted on a form that was copied from our records based on previous Transfer 73931 which was rejected on April 7, 2009, for lack of information. The applicant has now resubmitted the application with the required information (i.e., Quit Claim deed of the rights involved) attached.

Summary of Information Submitted

Authority to File:

The water rights in this application were decreed to Brett Newbold for the irrigation of lands he purchased from the applicant. The lands that were purchased had their own water rights from Rush Creek at one inch per acre (Nos. 67-287 and 67-14692) along with rights involved in this transfer that were not intended to be sold to Mr. Newbold. The rights under this application were applied to the Newbold property under Transfer 4148, approved in 1994. The storage facility has always been on property owned by the transfer applicant. Once the transfer applicant found that these rights were proportionately split to Mr. Newbold the water rights were quit claimed back to the applicant. Although the applicant has not submitted warranty deeds of the lands he is transferring the water to, we have other water right records for these properties under the applicants name. These rights will be discussed under the overlap review in subsequent paragraphs. We were able to obtain warranty deeds and tax lot information from those water right records. We have also verified, through tax lot

information contained in arc view, that the applicant is the current property owner of record.

Water Right Validity:

The rights involved in this transfer were decreed in the SRBA on October 20, 2008, within the last 5 years, so validity of the rights is not an issue.

Injury to Other Water Rights:

No injury should occur moving these rights back to the original place of use.

Enlargement of Use:

No enlargement should occur under this transfer; the transfer application actually proposes a reduction in the number of acres to be irrigated (from 160 to 100) under these rights so enlargement should not be a concern.

Local Public Interest:

It is within the local public interest to correct the records of the original right holder.

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

Watermaster comments will be solicited for this proposal.

Data entry should be based on the partial decrees that were issued in 2008. The water right records reflect the partial decrees so that should not be an issue.

Overlapping rights at existing POD consist of Rts.

67-285/286/287/4490/4542/14585/14586/14587/14588/14591/14592 and 14692 pursuant to GIS shape for the point. There is a generic condition on most of these rights stating that they cannot exceed 3.57 cfs when combined. Rts. 67-287 and 67-14692 do not carry this condition but they are same right holders as other rights with condition so I believe they are also part of this diversion system. The limit on diversion rate was based on a field examination for Rt. 67-7704 (split into 67-14587 & 67-14588) and Rt. 67-7723 (split into 67-14591 & 67-14592).

Overlapping rights at the proposed place of use consist of live flow Rts. 67-4542, 67-14585 & 67-14586. These rights when combined will allow an inch per acre

for 52 acres. Rts. 67-14587, 67-14591, 67-14588 & 67-14592 are storage rights in the amount of 80.1 acre feet. A water user can be allotted up to 5 acre feet per acre under storage parameters so he is far from exceeding his allotment of storage water.

The applicant also has 3 permits (Nos. 67-7930, 67-7931 and 67-14405) on file to add water to his storage facilities and develop additional live flow for irrigation purposes. A field examination was conducted on two of the permits and licenses are pending. No additional review has been done on these permits since they are not licensed yet.

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.