

MEMORANDUM

TO: Applications 76487 & 63-33367 (Bock) & 76768 (Hughes)

FROM: Steve Lester

DATE: August 31, 2010

RE: Evaluation of Sufficiency of Information Submitted

Memo covers 3 applications for 2 owners, reviewed and processed together due to department error in previous split of 63-32276 that resulted in the 2 rights now being transferred.

- Bock proposes use of a recently drilled well for transfer application 76487 (63-32280) and application for permit 63-33367, each for separate, adjacent acres.
- Hughes proposes use of existing domestic well for split portion of 63-32279 in transfer application 76768.

If approved, the package will correct and change rights 63-32279 and 63-32280 and provide a new permit to be developed.

The site is along old Hwy 30 just north of I84 near the Black Canyon Interchange.

Correction of Split 63-32276

Parent right 63-9103 was split numerous times by prior transfers and ownership changes. This finally resulted in residual portion 63-32276. See attached split tree. Bock filed a split of 63-32276 in early 2006. The Bock deed included 2 parcels within the residual Section 12 POU: Parcel I for the southeast portion of NWSW and Parcel II for the northeast portion of SWSW. Parcel II also included land in SESW, but the parent right had been severed from that tract by previous water right action.

For unknown reasons and contrary to the deed, the Bock split did not include the 2 acres in SWSW – those acres remained with 63-32279 instead of being recorded for Bock in 63-32280.

To further complicate this, GIS shapes showed 63-32279 on Bock's parcels and 63-32280 on the Hughes parcel just north of Bock – the reverse of the expected shapes. The actual result of the Bock split is depicted in the attached map: ArcMap layout of 63-32279 with notes added to show the correct split from 63-32276 into 63-32279 and 63-32280.

The current Payette County tax lot information¹ confirms Bock owns adjacent parcels straddling the ¼ ¼ lines while Hughes owns the parcel just north of Bock.

Based on the deed submitted by Bock on 2006, the deed from Hughes in application 76768, and the current county tax lot information, the split of 63-32276 was incorrectly recorded. Right 63-

¹ Payette County does not regularly share their tax lot information with IDWR, resulting in sometimes outdated information in the IDWR spatial database. However, the county website does have current information, see attached diagram from that source.

32279 loses 2 acres from SWSW while right 63-32280 gains those 2 acres in SWSW. Both transfers explicitly seek to correct this error. Those records were updated today to allow both transfers to act on the corrected records.

Bock and Hughes concur with this correction based on their transfer applications. This correction does not affect the last residual piece of the parent right: 1 acre in NENW S13.

Summary of Information Submitted for Both Transfers

Authority to File: Bock is the water right owner of record for 63-32280 and the POU owner of the corrected record. Hughes provided ownership information for a split of the corrected acres in 63-32279. Both applicants have authority to file the transfers.

Water Right Validity: Rights 63-32279 and 63-32280 were decreed in 2008 and remain valid.

Injury to Other Water Rights: Injury is not apparent for these transfers. However, several domestic wells in the adjacent parcels show well profiles similar to the applicants' wells. Comment letters will be sent to those owners to help identify potential injury issues.

Enlargement of Use: The transfers do not propose to enlarge the rights.

Local Public Interest: Assuming no protests, maintaining valid irrigation rights is in the local public interest.

Beneficial Use/Conservation of Water Resources: The transfers propose beneficial use consistent with conservation of water resources in Idaho.

Review of the transfer applications finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the applications.

Discussion

Application 63-33367 was reduced to compliment the corrected 63-32280 right. The permit application is routine and appears approvable, assuming protests are not filed. The water bearing zone is based on the Bock well log.

The rights being transferred have been decreed and migrated in the database. The transfers act on the correct records.

Other irrigation water is not available for Bock and Hughes property –they do not receive Black Canyon Irrigation District water that is available for some other land in this general area.

The wells for both owners are close to the 63/65 basin boundary but within basin 63. Condition 046 does not apply to any of the applications – the Bock and Hughes wells already exist. Bock paid a \$200 drilling fee for the recently completed well for that property. The drilling permit was conditioned to only allow exempted uses pending additional water right approval. Hughes paid the necessary \$165 drilling permit fee upgrade for a 1995 domestic well.