

Memorandum

Date: October 5, 2010

To: Shelley Keen

From: Craig L. Saxton *CLS*

Re: Overlap of 63-9119 *(supplemental info to Cherie's analysis)*

63-9119 overlaps the place of use for proposed license 63-33260. However, specific overlap conditions limiting use of 63-9119 and 63-33260 to a combined diversion rate/volume/acres were not recommended on license 63-33260.

63-33260 was developed as a supplemental water right to surface water irrigation. John Westra completed a permit review checklist on 1-27-10 and identified the overlap to be Nampa-Meridian Irrigation District water.

Cherie contacted the field examiner and was told that right 63-9119 was withheld from the sale of the land permitted under 63-33260, however, a transfer moving overlapping POU to a different location has not been filed at this time.

Because 63-9119 is a ground water right developed as a primary right, and 63-33260 is a ground water right developed independently from 63-9119 as a supplemental right to Nampa-Meridian District surface water, it doesn't seem prudent to tie 63-9119 and 63-33260 together with overlapping conditions which could prevent the current owner of 63-9119 from filing a transfer and moving his primary ground water right to a different location.