

MEMORANDUM

TO: Transfer No. 76542

FROM: Kay Walker

DATE: August 18, 2010

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to create a permissible place of use (PPU) for four decreed water rights and utilize the existing points of diversion for irrigation purposes. The applicant has also submitted an application for permit to develop an additional 8 acres of land and bring the lands under the decrees up to an inch per acre. The entire system, after transfer processing and new application, will be for 526.2 acres so they would need 10.52 cfs to bring all the lands up to an inch per acre. The decreed rights add up to 6.52 cfs and the application was filed for 4.0 cfs.

The site is located south of Lake Shore Drive and north of Marsing Road on the south side of Lake Lowell.

Contact person for the applicant is Lori Graves, Water Rights Specialist at SPF Water Engineering, 383-4140.

Deviations from Transfer Policy Standards

Two of the well locations were decreed with 10 acre tract descriptions, the other two wells were decreed to 40 acre tract descriptions. The transfer application lists all four wells with just 40 acre tract descriptions. The wells proposed to be utilized are existing wells and our GIS records reflect the locations as shown on the map attached to the transfer. Recommend we identify the wells to 40-acre tracts, as done on the application for transfer, during this process. This would allow flexibility to the right holder in case one of the wells had to be replaced in the future and would allow the legal descriptions on any final documents to be consistent in appearance.

Summary of Information Submitted

Authority to File:

The applicant has attached warranty deeds providing documentation that they now own the property under this proposal. They have also submitted a letter of

agreement to the transfer from a lien holder so documentation of ownership appears to be in order.

Water Right Validity:

Rights presumed to be valid because the partial decrees were issued within the past five year period on February 6, 2009.

Injury to Other Water Rights:

There should be no injury in combining these rights into a ppu since the property has been irrigated with the existing wells for years. If injury was to occur it would be under application for permit 63-33381 that proposes to increase the amount of water diverted for the combined system. If the transfer application is recommended for approval, conditions should be applied that would require reporting of water diverted if necessary.

Enlargement of Use:

No enlargement would occur under the transfer application; however, application for permit 63-33381 would allow for an increase in the amount of water for this property.

Local Public Interest:

It is within the local public interest to allow property owners to irrigate their property with a combined irrigation system.

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.

Additional Information/Analysis

The proposal under this transfer application and application for Permit 63-33381 exceeds the irrigation of 200 acres and increases the amount of water required to an inch per acre so we have requested information from the applicant in compliance with Rule 40 of the Water Appropriation Rules. We have requested they provide information concerning 1.)all wells within 0.5 mile radius of the existing wells; 2.)information concerning operation techniques that will prevent impact on other water rights; and 3.)information concerning the sufficiency of water availability in this area. The submittal of the above information will assist in reviewing the proposals and allow us to determine if acceptable.

Discussion

SRBA status was finalized in February of 2009 and the decrees have been migrated so that the correct records are available for manipulation of the data.

Overlapping rights at existing points of diversion and place of use are the rights involved in this transfer and application for permit 63-33381. The applicant also holds shares in the Wilder Irrigation District which will be supplemented with the ground water rights under these proposals. The transfer application has a map attached which indicates where the irrigation district water will be used since it is inadequate to water the entire place of use. If the application for permit is ever approved, the property under these proposals would have an inch per acre under the ground water rights, along with the shares of irrigation district water.

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.

Condition 046 is not applicable since new wells are not proposed.