

MEMORANDUM

TO: Transfer No. 76041 File

FROM: Angie Grimm

DATE: May 26, 2010

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to add a second point of diversion to right 63-3579B for increased production, within the limits of the water right, and irrigation flexibility.

The site is generally located east of Farner Rd approximately ¼ of a mile south of the intersection of Locust Ln (Marsing Rd) and Farner Rd approximately 7 miles southwest of downtown Nampa.

Contact person for the applicant is **Lori Graves, SPF Engineering LLC**.

Summary of Information Submitted

Authority to File: Applicant is the water right owner of record. The water right owner has authority to change the right.

Water Right Validity: Right presumed to be valid, because the partial decree was issued within the past five year period.

Injury to Other Water Rights: No injury should occur provided the drilling and use of the proposed well does not interfere with nearby existing wells. As a ground water right, use of the well(s) is subject to reasonable pumping level provisions of I.C. § 42-226. The proposed P/D and existing P/D (Well tag D0052556) will divert water from the same production zone per permit application amendment of 63-11773 information and existing well information available. Permit 63-11773 is authorized for an additional increment of water for irrigation of different acreage within the same P/U from the proposed P/D (provided permit amended application No. 76042 is approved), but under a later priority. Diversion from the existing P/D and the proposed P/D for right 63-3597B will be limited to current constraints of the right. The nearest wells are within ½ mile of the proposed and existing P/D. These wells are mostly domestic wells. There is not a spring being used as a P/D for a water right within the same township and range. The transfer does not propose to enlarge the current diversion from the water bearing zone, thus injury is not likely to occur.

Enlargement of Use: The diversion rate, annual diversion volume, and number of acres irrigated will not increase as a result of the transfer. Irrigation will be limited to previously authorized diversion rate, volume, and number of acres within the current PP/U. Right 63-3597B is a primary ground water irrigation right and will remain such. Permit 63-11773 has a common

PP/U. Right 63-3597B when combined with permit 63-11773 allows for irrigation of the entire PP/U, but no more thus these rights are not staked.

Local Public Interest: Allowing the applicant to construct a new well will allow the applicant to make full beneficial use of the water right in a more efficient system which serves the local public interest.

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

Data entry for this transfer will affect the water right record of right 63-3597B. The right was decreed 2/11/2009 and the record was migrated prior to transfer processing.

63-3597B and permit 63-11773 (pending approval of a permit amendment application no. 76042 being processed with this transfer application) will share the current P/D of right 63-3597B and the P/D proposed. These rights, when combined, allow for a full 0.02 cfs per acre for the entire 97 acre PP/U, but no more. Therefore there is no P/U overlap for these rights. There are no other overlapping rights for the existing P/D, proposed P/D, or the PP/U. No other water rights need to be involved in processing of the transfer.

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.