

MEMORANDUM

TO: Transfer No. 76305

FROM: Kay Walker

DATE: May 6, 2010

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to move three acres of irrigation from a place of use that was subdivided to a subdivision lot that is irrigated. The applicant is trying to obtain water rights because he previously was irrigating without a water right and was given a Pending Notice of Violation. He obtained water through the water supply bank after that notice and subsequently purchased this water right to cover his needs.

The site is located north of Stillwell Drive and west of Meander Place in Stillwell Estates No. 7 Subdivision.

Contact person for the applicant is Roxanne Brown of SPF Water Engineering at 383-4140. The applicants request original correspondence be sent to them and copies to their representative.

Deviations from Transfer Policy Standards

The license for this right (63-11027) was issued with the point of diversion identified to a 10 acre tract. The transfer proposes to utilize an existing point of diversion within a 40 acre tract. The lot for this subdivision is located in the SWNWSW, Sec. 29, T5N, R2W so the point of diversion will also be located within this 10 acre tract. Applicant did not apply for a 10 acre tract description for this point of diversion at time of submittal of the form.

Summary of Information Submitted

Authority to File:

Applicant has provided information to change the ownership of this right to applicants ownership. A prior transfer was submitted and rejected for lack of proof of ownership of water right. We now have all information needed to complete this ownership change and process the transfer.

Water Right Validity:

Right presumed to be valid. SRBA is not applicable to this right since it was developed after 1987. Permit (63-11027) was filed in 1989 and license was issued in 1994. Recent beneficial use was confirmed using 2006 (2 meter) aerial photography.

Injury to Other Water Rights:

No injury is anticipated with this transfer. Applicant has been using his well for irrigation but was given a Notice of Violation so he rented water from the water supply bank so he could irrigate the property until this transfer could be processed.

Enlargement of Use:

No enlargement of use should occur under this proposal. Right is for 3 acres and property to be irrigated is 3 acres. The rate and volume should not be enlarged.

Local Public Interest:

It is within the local public interest to allow a property owner to irrigate his land.

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 affected the correct record which is a portion of licensed right 63-11027. This right was not required to be claimed in the SRBA since it was filed after commencement.

Overlapping rights at the proposed point of diversion and place of use are none. Applicants are using their domestic well for irrigation purposes and have submitted the well upgrade fee to allow use of this well. Overlapping rights at the existing point of diversion and place of use are rights originally used to irrigate approximately 260 acres. The property was subdivided and now water is used on individual lots. Excess water was sold by Jade Eagle to individuals outside the original place of use resulting in transfers such as this one.

The well that is proposed to be used is located within the Basin 63 shallow ground water area. The well log shows that the well is 252 feet deep so it is not a shallow well. The well that water was originally diverted from is not within the B63 shallow ground water area. Since this application proposes use of a well deeper than 200 feet the application can be processed pursuant to Administrators Memorandum No. 59.

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 a new well is not proposed.