

MEMORANDUM

TO: Transfer No. 73901 File

FROM: Angela Grimm

DATE: October 6, 2008

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes addition of 121.76 acres creating a permissible place of use of 174.96 acres for right 63-32184 owned by Jerry L. Tlucek. The application has been filled to fulfill the last remaining requirement of a consent order and agreement issued 2/7/06 as a result of a complaint filed against the applicant by Al and Martha Worman (Tlucek/Worman Complaint).

The transfer will create a PPU on the applicant's property generally located southeast of the intersection of S. Robinson and Warren Spur Rd. approximately 4 miles southeast of Melba.

Summary of Information Submitted

Authority to File: Applicant Jerry L. Tlucek is the current owner on record of the right to be transferred. The applicant has authority to change the right.

Water Right Validity: Right presumed to be valid because the partial decree was issued on 2/16/07 within the past five year period.

Injury to Other Water Rights: No injury should occur under this proposal as there will be no increase in withdrawal from the well and irrigation will occur on water right owners' property.

Enlargement of Use: The applicant does not propose to enlarge the use. Diversion rate, volume and acres irrigated will be limited to current amounts for the right. The transfer, if approved, will create a PPU for ground water irrigation of the 53.2 acres within a 174.53 acre PPU. The remaining 121.76 acres will be irrigated by applicant's surface water shares from the Boise Kuna Irrigation District. The ground water and surface water from the irrigation district are currently diverted to a catch basin where the waters are comingled and pumped to the irrigation pivots for irrigation of the entire PPU (174.53 acres). Currently this right does not authorize irrigation with ground water anywhere other than the specified 53.2 acre PU. Under this approval, ground water will be comingled with surface water (Boise-Kuna) but will remain limited to 53.2 acres of

irrigation in a single irrigation season. This transfer, if approved, will authorize the current irrigation practices thus addressing the violation issue.

Local Public Interest: Applicant fulfilling the requirements of the consent order and agreement to change the water right in an approvable manner so irrigation practices are properly authorized serves the local public interest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use(s) 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

The water right record proposed for change (63-32184) was partially decreed in the SRBA 2/16/07. Data entry for this transfer will act on the water allocation record resultant from the migration of the adjudication record after the partial decree was issued. This record resulted from a change of ownership split of parent right 63-7068.

Department records indicate 63-32184 (Tlucek) and 63-32183 (Cram) share the same P/D well. These two rights resulted from a change of ownership split of parent right 63-7068. P/U overlap analysis indicates there are no overlapping ground water rights for irrigation of this land. The P/U, a portion of which was not formerly within the service area, was annexed into the Boise Kuna Irrigation District service area, per annexation information submitted by the district as a result of the Tlucek/Worman Complaint consent order and agreement. I have attached a copy of the annexation resolution for reference. Tlucek has acquired enough shares from the district for irrigation of 121.76 acres. Tlucek diverts ground water from the well to a catch basin where it is combined with the surface water from the district and pumped to the irrigation pivots per diversion works description in the transfer application. When the 53.2 acres of ground water irrigation right is combined with the 121.76 acres of surface water shares, Tlucek will be authorized to irrigate the entire PP/U. Standard ground water right supplemental conditions apply in this instance.

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.