

MEMORANDUM

TO: Transfer No. 75809 File

FROM: Vicky Music

DATE: February 19, 2010

RE: Evaluation of Sufficiency of Information Submitted

Two transfers were filed concurrently to reconfigure 2 water rights for the 12 lots in the Russell Subdivision, 65-1663 and 65-9066. This transfer proposes to split no. 65-9066, a right for domestic use, 0.48cfs/14.4 afy into 2 systems and add a POD for the 6 lots in the south half of the subdivision. This split had to be made as a “pre-transfer” split to make it work with the IDWR database data entry. So, right no. 65-9066 was split into 65-23410 and 65-32411.

The right appurtenant to the south half of the subdivision, the property that is the subject of this transfer, is 65-23410.

The site is approximately 0.5 miles north of the City of Emmett and the Payette River.

Contact person for the applicant is consultant, Lori Graves, SPF Water Engineering.

Deviations from Transfer Policy Standards

The application was submitted in July 2009 on the “old” transfer form because of the time required to procure all of the signatures from the homeowners. This is okay and will not interfere with transfer processing.

The right was decreed in the SRBA with the POD described to the QQ, according to IDWR policy. The transfer application describes the new POD to the QQQ. If this is what the applicant wished, so be it. It will not delay processing of the transfer.

There is not a homeowners association for Russell Subdivision so the 6 lot owners in the south portion of the subdivision, whose lots will be part of a new system with a new well, signed the application. In some instances, only 1 owner and not the spouse signed the applicant even though the attached warranty deed used an “and” connector. Separate statements were included as an application attachment of all of the owners granting permission for the transfer. Hence, all of the property owners signed something agreeing to the application.

The north lot owners should have signed the transfer application also because their property is affected by this transfer. However, they signed transfer no. 75810 and their statements consenting to the split of this right are included in that file. Due to the difficulty and time required to obtain signatures, processing of this transfer will not be delayed by these deviations.

The new POD for 65-23410, the south portion of the subdivision is not on subdivision property. James and Clara Brinkerhoff own it and a permanent easement to the subdivision to drill, access and maintain the well was submitted as part of the application.

Summary of Information Submitted

Authority to File:

The Russell Subdivision is the water right owner of record in the IDWR database.

Water Right Validity:

The partial decree was issued by the SRBA Court for parent right no. 65-9066 on 7/22/2002. Beneficial use in the south 6 lots was confirmed by a 2009 aerial photo, hence the right is presumed to be valid.

Injury to Other Water Rights:

No injury is expected by splitting this right into 2 systems and adding a POD.

Enlargement of Use:

No enlargement is proposed and none is expected.

Local Public Interest:

There are no apparent local public interest issues.

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 and Discussion

After the “pre-transfer split” of right 65-9066 into 65-23410 and 65-23411, right no. 65-23410 for 0.24 cfs will become appurtenant to the south 6 lots and a new POD added under this transfer. The annual volume will be reduced from a proportional 7.2 afy to 3.6 afy. Both the backfile and the transfer application make clear that this right is for internal use only and surface has been and will continue to be used for irrigation. This reduction is appropriately made here because a verification of beneficial use is required during a transfer analysis.

The applicant does not need to provide anything nor is IDWR analysis needed from other areas of IDWR to complete review and processing of this application.

Right no. 65-23411 will become appurtenant to the 6 lots in the north half of the POU and is the subject of transfer no.75810.

There is no water district or watermaster comments to be solicited because the source is ground water. Comments from other entities or individuals or not required.

SRBA status was provided in a previous section of this memo.

This right is for internal domestic use only. Irrigation water is provided by Emmett Irrigation District. The only overlapping right is 63-1663 which is the subject of the second transfer being processed concurrently. After this transfer, these 2 rights will be separate systems for separate POUs and there will not be an overlap.

There are no mitigation or water bank issues.

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 applicable because a new well is proposed.