

MEMORANDUM

TO: Transfer No. 75914

FROM: Kay Walker

DATE: March 25, 2010

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes correction of the decree record to reflect the licensed and historically irrigated place of use. The decree shows irrigation of 39 acres within the SWSW, Sec. 25 whereas the actual irrigated acres are within the SESW, Sec. 25. No other changes to this decreed right are proposed. The GIS shape file for this right has irrigation occurring within the SESW, Sec. 25 as licensed.

The site is located south of Willow Creek Road on the west side of the Ada County line.

Contact person for the applicant is Lori Graves at SPF Water Engineering, 383-4140. Transfer application states we should send original correspondence to applicant with copies to the representative.

Deviations from Transfer Policy Standards

The application was submitted with a \$250.00 filing fee but no information on why this amount was submitted. In review of the application we find that the proposed change is for 39 acres of water right. The application will be correcting an error on the right by moving 39 acres from the SWSW, as decreed, to the SESW, as licensed. The amount of water appurtenant to these 39 acres is 0.35 cfs; thus a \$250.00 filing fee. This assumption is justified by reading submittal letter from representative.

The points of diversion under this right are not being changed. Some of these points are referenced to 10 acre tract descriptions and some just to a 40 acre tract. Since no change is occurring the points will remain as decreed.

This application qualifies as one that can be processed without a legal notice. Pursuant to memorandum of 7/14/2004 we can process transfer applications without publication or other legal notices to correct legal descriptions in the place of use that were misidentified during earlier administrative or judicial processes (such as the SRBA) and that are currently in place and in use.

Summary of Information Submitted

Authority to File:

Applicant is the current owner of the water right in Department records. A copy of Willowbrook Developments covenants, conditions and restrictions regarding the

subdivision is included in Transfer No. 75912 (Water Rt. Nos. 63-7131A and 63-8376E). See that file for information regarding Willowbrooks authority to file.

Water Right Validity:

Right presumed to be valid because the partial decree was issued within the past five year period on March 19, 2009.

Injury to Other Water Rights:

No injury should occur. The proposed change is correcting a legal description error that was made in the adjudication process.

Enlargement of Use:

No enlargement will occur during this process.

Local Public Interest:

It is in the public interest to allow right holder to correct this clerical error.

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

This application does not fall within any problem areas pursuant to review in arc view.

Data entry affected the correct record which is the water right as decreed on March 19, 2009.

Overlapping rights at the proposed POU consist of Rt. 63-32819 which is also for irrigation purposes. That right is for irrigation of the 79.5 acres at 1.59 cfs of water which is 1 inch per acre. The right being transferred is for irrigation of 194 acres at 1.76 cfs which is only 0.009 cfs per acre. Each right is limited to an inch per acre when combined with the other. Rights when combined are for the same lands within the 194 acres at 3.35 cfs.

Overlapping rights at existing &/or proposed points of diversion include rights: 63-32818, 63-32819, 63-32820, 63-32822, 63-32824, 63-33025, 63-33026, 63-33027, 63-33028 from wells in SWNW, S31, T5N, R1W and SENW, SWSW, S25, T5N, R2W. Some (6) of the above rights are also diverted from a well in NWSE, S25, T5N, R2W.

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.