

MEMORANDUM

DATE: January 28, 2009
TO: Transfer 74404 File
FROM: Jeff Cooper
RE: Evaluation of Sufficiency of Information Submitted

This application for transfer was filed in conjunction with application for transfer #74429. Transfer #74404 proposes moving part of water right 36-2443 (0.31 cfs & 16.1 acre portion that has been renumbered to 36-16821) from a farm located approximately 4.8 to 5.3 miles N & 7.2 to 8.2 miles W of the town of Rupert to a 305-acre permissible place of use (PPU) on a farm located approximately 8.0 to 8.5 miles N & 4.9 to 5.9 miles east of Rupert. Transfer will allow for an existing well located at the 305-acre PPU to be used to divert up to 0.31 cfs for the irrigation of 16.1 acres within the PPU. Note transfer #74429 also proposes moving a 16.1-acre portion of right 36-7267 (renumbered to 36-16549), currently appurtenant to the same proposed PPU. The point of diversion is located within the ESPA and Water District 130.

- **Authority to File:**
Water Right 36-2443 is currently owned by Carl Bailey. An Agreement to Sell and Purchase Water Rights, signed by Mr. Bailey and Mr. Grant was included as an attachment to transfer #74404. The original applications were signed by both Duane and Laura Grant. Subsequent amended applications were signed by Zach Latham, of Brockway Engineering, whom had a limited power of attorney granted from Duane and Laura Grant. The proposed PPU and POD location are owned by Duane and Laura Grant.
- **Water Right Validity:**
Water right 36-2443 was partially decreed in December, 2001.
- **Injury to Other Water Rights:**
None anticipated. ESPA Model analysis was included to evaluate injury and mitigation requirements.
- **Enlargement of Use:**
None anticipated. Irrigation will be limited to transfer amounts within the respective PPU.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use (Irrigation) is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.