

MEMORANDUM

TO: Transfer No. 75555

FROM: Kay Walker

DATE: January 21, 2010

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes irrigation of lands previously irrigated under License 63-7194 from one existing well and the addition of proposed new wells.

The site is located south of Kuna Butte and east of Melba in Snake River Birds of Prey Area; further described as west of Swan Falls Rd., east of Robinson Rd., south of Kuna Cave Rd. and north of Nicholson Rd.

Contact person for the applicant is Scott King of SPF Water Engineering at 383-4140.

Deviations from Transfer Policy Standards

Rights were decreed with the well located to a 40 acre tract description. Proposed wells are to be developed in one or more of the 40 acre tracts where the water is to be used. Allow descriptions of proposed wells to be listed to 40 acre tract descriptions since it is unknown where they may be developed at this time.

There are two rights, No. 63-32655 in the name of Shawn Mikelson, and No. 63-32677 in the name of Paramount LLC, that still show up as overlaps on the existing point of diversion and place of use under the transfer application. These are portions of Rt. 63-7194 that were sold but have not been officially moved off the property at this time. Rt. 63-32655 has an application pending to include the right into the Water Supply Bank. Rt. 63-32677 was proposed to be used to mitigate Permit No. 63-32603 but the mitigation plan was rejected. Since these rights are not owned by the applicant and may be moved off the property at some time in the near future, they should be considered as paper overlaps only.

Summary of Information Submitted

Authority to File:

The transfer applicant is the holder of decreed rights included in this transfer application.

Water Right Validity:

Rights presumed to be valid because the partial decrees were issued within the past five year period on May 16, 2008.

Injury to Other Water Rights:

No injury should occur. The place of use was irrigated under Rt. 63-7194 which was split and sold in small pieces. The remainder of that right along with a 2008 application for permit is proposed to be used to irrigate the property.

Enlargement of Use:

No enlargement should occur under the application for transfer. The property was previously licensed at 2.38 cfs for 142.5 acres (0.0167 cfs/ac) of which 1.25 cfs remains for the irrigation of 75.6 acres (0.0165 cfs/ac). An application for permit has also been submitted to bring the place of use up to 160 acres under a permissible place of use with an additional 1.69 cfs of water proposed.

Local Public Interest:

It is in the public interest to allow a property owner to irrigate their property.

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 place of use was originally irrigated under licensed Right 63-7194 which was split and pieces were sold off to different parties. Portions of the licensed right have been inserted into the Water Supply Bank under numbers 63-32399 and 63-32400. Some of the parts (63-32397 and 63-32401) were used for mitigation purposes so that new permits could be developed. These rights still show up as overlaps at the existing and proposed points of diversion and place of use under this transfer.

There are 70.6 acres remaining under Rt. 63-33097 and 5.0 acres under Rt. 63-33100 (which had been transferred off and then returned to original location). I find that there are a total of 75.6 acres of water rights remaining on this proposed 160 acre permissible place of use (ppu). If the applicant intends to irrigate the 160 acres at an inch per acre he would need to obtain a water right for 3.2 cfs. The existing rights on the property have a combined diversion rate of 1.25 cfs, leaving 1.95 cfs needed. The applicant has also filed an application for a brand new water right in the amount of 1.69 cfs for irrigation of the property.

Existing rights and the application for permit would not exceed the allowable amount necessary to irrigate this property.

Data entry affected the correct records which are the partial decrees issued on May 16, 2008.

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 should be applied since one or more new wells are proposed.

A condition regarding the rights that are overlapping, but not under applicants ownership, should be added in case the rights were to revert back to original place of use. This condition would include the rights in the Water Supply Bank along with Rts. 63-32655 and 63-32677.