

MEMORANDUM

TO: Transfer No. 74948

FROM: Sharla Curtis

DATE: January 14, 2010

RE: Evaluation of Sufficiency of Information Submitted

This transfer has been filed by the City of Garden City to replace the well known as Well No. 1 with a new well, identify all wells under all of their municipal water rights and to update the place of use under all the rights with the most current service area boundary.

Contact person for the applicant is Roxanne Brown with SPF Water Engineering,

Summary of Information Submitted

Authority to File: Applicant is the owner of record for all the rights.

Water Right Validity: All rights presumed to be valid because the partial decrees were issued in 2009 with the exception of 63-11487, which was just recently licensed.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement will occur with regards to rate of diversion or volume. The change in the description of the place of use (service area) is in line with the provisions of Sections 42-202B, 42-219, and 42-222, Idaho Code, regarding the generally described place of use for municipal providers and does not constitute an enlargement of use. This type of change does not even require the filing of an application for transfer; however, because the city is changing the point of diversion descriptions, the updating of the service area was included as part of the transfer application's purpose of filing. Also see "Summary" below.

Local Public Interest: Maintaining the diversion and delivery system that is in place for the municipality is in the local public interest. The identification of property that has been annexed into the municipality is also in the local public interest.

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.

Summary

Data entry affected the correct records. All partial decrees had previously been migrated to wr records, with the exception of the one license that was recently issued. The license was issued using the same "Large pou" shapefile as that of the decreed rights and the map attached to the field report had indicated the same place of use. Roxanne Brown provided a disc containing the shapefile of the current service area; the service area was provided to her by the city. The shapefile was used to update the water right records. The "digital boundary" includes lands that have now been annexed into the city's service area.

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 will be applied since one new well (replacement) is proposed.