

MEMORANDUM

Date: December 9, 2009
To: Transfer 74911 File
From: Jeff Cooper
Re: Evaluation of Sufficiency of Information Submitted

Application filed to create a permissible place of use (PPU) and to correct a partially decreed point of diversion. This application was filed in response to a consent order and agreement resulting from a notice of violation (NOV) compliance conference. Applicant proposed to create a 608-acre PPU, to be located approximately 2.1 to 3.4 miles S & 2.5 to 3.6 miles E of Picabo, to facilitate flexibility in agricultural practices and allow for irrigation of up to 5.47 cfs and 273.6 acres. Rights 37-2188, 37-7551, and 37-12018 are currently used to irrigate ground located approximately 2.1 to 2.9 miles S & 2.9 to 3.5 miles E of Picabo. Right 37-464 is currently used to irrigate ground located approximately 2.2 to 3.3 miles S & 2.6 to 3.6 miles E of Picabo. Right 37-2444 is currently irrigating ground located approximately 2.1 to 3.4 miles S & 2.9 to 2.6 to 3.8 miles E of Picabo. Applicant also proposes to correct a decreed point of diversion (POD) for right 37-2444, currently designated to be located in TWP 01S, RNG 20E, Sec. 20, NENWSW, to reflect the actual well location in the NWNESW of that same section. This error was discovered by Department Staff in a previous transfer that included rights that shared this POD. The points of diversion for the rights involved in the transfer are located within or administered by Water Districts 37M.

- **Authority to File:**

The original applicants to the transfer were Harry Rinker and Leonard Purdy. However, the application included a quitclaim from Mr. Purdy to Harry Rinker, indicating he had no interest in rights 37-2188 & 37-12018, so he was removed as an applicant by Charles E. Brockway, whom had limited power of attorney. Rights 37-464 & 37-2444, currently in the name of Roderick H. & Kenneth C. Rinker Trust, were also quitclaimed to Harry S. Rinker. Right 37-7551 lists Harry S. Rinker as the current owner. The proposed PPU is owned by Renegade/McGlouchlin, so a Statement of Consent was included indicating it would allowing Harry S. Rinker to move his water rights onto their ground.

- **Water Right Validity:**

Rights 37-464, 37-12018, & 37-2188 were decreed in the SRBA in September 2006. Right 37-2444 was decreed in the SRBA in March 2003. Right 37-7551 was decreed in the SRBA in December 2002.

- **Injury to Other Water Rights:**

None anticipated. Rights are limited to the combined total of 273.6 acres and 5.47 cfs allowed under their decree. A condition was placed on the rights indicating that these 273.6 acres must be identified within the 608-acre PPU. The location of the groundwater well which injects into Silver Creek is only being corrected.

- **Enlargement of Use:**

None anticipated. The same limiting conditions on the rights will exist after the proposed transfer. A condition has also been placed on the rights in which the current owner must indicate where the irrigated acres will be located within the PPU.

- **Local Public Interest:**

No issues anticipated.

- **Beneficial Use/Conservation of Water Resources:**

Proposed uses are 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.