MEMORANDUM

TO: Transfer No. 75264

FROM: Sharla Curtis

DATE: October 5, 2009 **Revised 11/20/09 by Steve Lester**

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes changing the point of diversion and place of use for landscaping at the new Nampa Gateway commercial development site. The applicant listed the base right as 63-8737, however, this right was split into 63-32831 and 63-32832 by an ownership change. 63-32831 was then split into 63-33209 thru 63-33211 as ownership changes for DDR Nampa under this transfer and a transfer filed at the same time by Gary Bodily (Transfer 75122, approved earlier this month). Therefore, the correct right number to be used for the transfer is 63-33210.

Per department practices, use of the parent right number in Part 1 of the application and use of the outdated parent right data in Part 2B&C is acceptable without amending the application.

The site is adjacent to I-84 on the south, just east of the Garrity Blvd. exit.

Contact for the applicant is consultant Roxanne Brown, SPF Water Engineering.

Summary of Information Submitted

Authority to File: Applicant supplied copy of Contract for Sale of a Water Right and Special Warranty Deed for Water Right granting 0.60 cfs, 135.0 af and 30 acres to DDR for this transfer. As noted above, pre-transfer splits were made for processing this transfer and the transfer for Gary Bodily, thus the right being transferred here is now in the name of the applicant. Tax lot records verify that the new place of use is owned by DDR.

Water Right Validity: Right presumed to be valid because the partial decree was issued for 63-32831on 1/30/2009 within the past five year period.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement should occur. The rate of diversion, annual volume and number of acres allowed within the permissible place of use will remain the same. This right is a supplemental right and will remain so at the new place of use as well. The supplemental change is allowable from Pioneer Irrigation District to Nampa & Meridian Irrigation District areas having comparable primary rights.

Local Public Interest: The transfer is for the irrigation of landscaping at the Nampa Gateway commercial development. Commercial development will provide jobs and the landscaping will keep the area around the development aesthetically pleasing and therefore is considered within the local public interest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use(s) 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.

Discussion

Data entry affected the correct record as outlined above. This right is not in the water supply bank as confirmed by SO 11/18/09 email (parent right was and a different split portion still is in the bank). Existing well to be used is the same one as 63-20787, although that right covers separate acres from the 30 proposed in the transfer. This overlap information is confirmed by the consultant 11/20/09 email. A database comment was added to 63-20787 about this overlap.

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 n/a for the existing well. Condition F06 is valid per well overlap confirmation.