

MEMORANDUM

TO: Transfer No. 74306 File

FROM: Kelly K Christensen

DATE: August 8, 2008

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to get legal the current system by changing points of diversion from Sec 11 to Sec 10 for rights 63-32692 and 63-32694, adding the Sec 10 POD to 63-32686 and 63-32690, and adding a second POD in sec 14 to all four rights. The transfer also creates a PPU of 316 acres.

The site is Approximately 4 miles west of the southeast corner of Lake Lowell.

Contact person for the applicant is Jennifer Sukow P.E., P.G. for SPF Water Engineering LLC.

Deviations from Transfer Policy Standards

POD DISCUSSION

Barron Development purchased approximately 318 acres from Montierth which the 4 rights are appurtenant. The right POU's do not overlap. However, the sale included a reservation of $\frac{1}{3}$ of the water from the 4 rights and the rights were split accordingly. The reservation did not propose to transfer the Montierth water to other ground. As things currently stand in the adjudication process, the Montierth rights are also appurtenant to the same ground as the Barron Development ground but are not considered to overlap the Barron Development rights. They are actually floating rights historically associated with the now Barron Development owned property.

In the POU review I found that there was an error made in the change of ownership split in that 2 acres in Sec 14 SENW is owned by other parties but was included within the Barron Development POU. This parcel has been excluded from the transfer POU shape.

The license for 63-32077 was for 158 acres within the NW $\frac{1}{4}$ of sec 14 (one acre short of 40 acres in the NE $\frac{1}{4}$ & NW $\frac{1}{4}$ of the NW $\frac{1}{4}$). The transfer place of use was reduced to reflect those 2 acres and the 2 acres owned by third parties thereby giving the 316 PPU.

POD DISCUSSION

The POD map submitted by SPF indicates that the POD in Sec 10 SENW was close to the SE corner of that 40-acre tract. A map submitted with the change of ownership for the parent rights of these rights indicates that the POD should be in the NE corner of that 40-acre tract or possibly in Sec 10 NWSWNE. When asked for clarification, Jennifer stated in a letter dated July 7, 2008 that the point of diversion was actually in Sec 10 NESENW. Based upon that information I have placed the point of diversion at that location.

There is only one point of diversion located in Sec 14 NENE although there are three recommendation points established in the adjudication recommendation phase. The actual location is physically obvious in the 2004 aerial photo which corresponds with the POD location identified during the licensing field exam for 63-3232. For database cleanup one might consider consolidating the recommendation points of diversion to match the one transfer POD for the Montierth points of diversion to the same location.

Summary of Information Submitted

Authority to File: The applicant is also the water right holder based upon the warranty deeds submitted for the change of ownership in the adjudication process.

Water Right Validity:

Right presumed to be valid based on the pending SRBA recommendation. The SRBA objection period is over and objections were not filed.

Injury to Other Water Rights:

The changes to the POD locations have been accomplished for an undetermined period of time and no objections have been received by the department. There are several recommended rights in the same location as the sec 10 POD however that ground does not to have been irrigated for some time.

Enlargement of Use:

The transfer does not propose or result in an enlargement of any of the four rights

Local Public Interest:

Irrigation use is considered to be 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.

Additional Information &/or Analysis

Additional information applicant should provide ... N/A

Additional IDWR analysis needed ... N/A

Watermaster comments ... N/A

SRBA status ... The rights are currently recommended as valid rights and no objections have been filed as of this date.

Discussion

Data entry affected the correct record ... Error in POU when rights were split in the adjudication process. See earlier narrative.

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 since new wells are not proposed. The new well to this system is an existing well.