

MEMORANDUM

Date: December 7, 2009
To: Transfer 76141 File – Point of Rocks Ranch LLC
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer proposes to change 4 acres of the place of use for two rights in Basin 37, 37-2591 and 37-4427, currently used for the diversion of a combined total of 2.54 cfs of ground water for the irrigation of a combined 127 acres. The SRBA Recommendations included 4 acres of BLM land so those 4 acres are being moved to other land owned by the applicant. Since only 4 acres are being changed, the fee was calculated on 0.08 cfs. ($4/127 \times 2.54 = 0.08$ cfs.) There is another right, 37-7937, that is also owned by the applicants, diverted from the same well, and partially overlaps the place of use. According to Kelly Christensen, the Adjudication Agent working on these rights, that one will be disallowed. The owners went with the Statutory Claim, 37-4427, for an earlier priority date and the entire rate and acres will be covered by the two rights in this transfer. Location of the place of use is along North Picabo Road approximately 2 miles north and $\frac{3}{4}$ mile west of Picabo. I do not expect any apparent hydrologic impact as only 4 acres are being moved and only about $\frac{1}{4}$ mile at that. I recommend this transfer be approved in the Region without advertising.

- **Authority to File:**
Both rights are currently in the name of the applicant, Point of Rocks Ranch, LLC. The application was submitted and signed by their attorney, Jim Speck. A Special Power of Attorney to Jim Speck, signed by John K French as manager of Point of Rocks Ranch, LLC, was also submitted. According to the Idaho Secretary of State page, Mr. French is an authorized representative of the entity. Mr. Speck is also listed as a registered agent, according to the website. Blaine County tax lot information, updated 3/12/2008, shows the land to which they are moving the 4 acres is also owned by the applicant. Application stated there was no lien holder on the property.
- **Water Right Validity:**
Both rights, 37-2591 and 37-4427, have been recommended in the SRBA. This transfer will resolve the encroachment on BLM land and avoid their Objection.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. The rights will still be for a combined total of 127 acres of irrigation.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use of irrigation is 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.

