

MEMORANDUM

TO: Transfer No. 75368 File

FROM: Vicky Music

DATE: June 17, 2009

RE: Evaluation of Sufficiency of Information Submitted

There are two points of diversion associated with the rights proposed to be transferred, 67-14879, 67-14881 and 67-14883. The transfer proposes to abandon the original POD located in Section 5 and only use the POD in Section 10 to allow for a more efficient use of water. Also, the application proposes to change the place of use to a different field about ¼ mile south of the current POU.

The site is about ½ mile west of the city center of Cambridge, ID in Washington County..

Contact persons are the applicants, Randy or Kathryn Noah.

Deviations from Transfer Policy Standards

The transfer form submitted is the one in use in January 2009 when the transfer was filed. It contains some extra pages which is characteristic of a consultant in the area who assists applicants with the forms. There are a few deviations from memo # 24 described here.

A letter was sent to the applicants on June 5, 2009, regarding unanswered item #10 re non-use, documentation for the new place of use and I requested a deed for the new place of use. Also, 24.4 acres listed in item # 5 under the irrigated place of use but there are only 19 acres under the rights that can be transferred. Last, the current place of use is and has been irrigated according the aerial photos, so I inquired in the letter as to how and under what rights/ shares, etc., the current place of use is irrigated.

Applicant Kathryn Noah came into the office on June 17, 2009, amended the application and provided the requested deed. The application can continue to be processed.

Summary of Information Submitted

Authority to File: The applicants are the owners of record for rights. A warranty deed proving ownership of the new place of use was provided.

Water Right Validity: Right presumed to be valid because the partial decrees for 67-14879 and 67-14881 were issued on 11/17/2008, and the partial decree for 67-14883 was issued on 12/4/2008, within the past five year period.

Injury to Other Water Rights: No injury to other water rights will occur because the original or historical point of diversion, located about 1.5 miles away in section 5, will not be used. The only point of diversion is the one added pursuant to transfer no. 68474 in 2002. The change will result in a more efficient use of water.

Enlargement of Use: The application does propose an enlargement in number of acres irrigated. A letter was sent to applicants asking that they correct this, which they did.

Local Public Interest: There are no adverse public interest issues.

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 and Discussion

During the course of my review, I noted from aerials that the new place of use appears to have been irrigated for several years. However, I could not find water rights associated with the property. Kathryn Noah confirmed that there were no water rights appurtenant to the property and that she thought the prior owner irrigated it (without a water right). She also stated that water drains to the south end of the property and it does not need to be irrigated so perhaps this is why it is green in the aerials.

No further information is needed from the applicant, nor is additional IDWR analysis needed required.

Watermaster comments will be solicited from the Basin 67, Weiser River watermaster.

There is no need to solicit other comments.

SRBA status was described above in this memo.

There are no overlapping rights at existing &/or proposed P/U.

Mitigation is not required.

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 a new well(s) is not proposed.