

MEMORANDUM

TO: Transfer No. 74755 File

FROM: Vicky Music

DATE: April 15, 2009

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to add a point of diversion to water right no. 65-32335. In 2006, the Congroves filed a change of ownership. Their 10-acre parcel was split from parent right 63- 32328 but no change was made to the point of diversion. The applicants intend to use their domestic well, drilled in 1996, as their point of diversion to irrigate their 10-acre parcel.

The site is approximately 5 miles southeast of Kuna, Idaho, and northwest of the intersection of Meridian Rd. and Poen Rd.

Contact persons are the applicants, Richard and Judy Congrove.

Deviations from Transfer Policy Standards

The stated purpose of the application, Part 1(A)(1) is to change the point of diversion. However, it should correctly state “add diversion point(s)” because the owners purchased 10 acres of the original place of use and simply need a point of diversion on their property. No changes are being made to other PODs. This error is clarified here and should not delay the processing of the transfer application.

Item Part 1(B)(6) regarding liens on the property was answered “no” on the application form. The application included a computer-generated page for “Part 2” and among the items on the page was the question, “Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?” Here, the answer is “Yes, but not moving the water right from this property.”

This question has created a lot of confusion with applications. It appears that the applicant received additional information which prompted the applicant to revise his answer. The answer reflects the guidance in the current transfer memo and should not delay processing of the application.

The application page with Part 2, # 9 was missing and so #9 regarding other rights used for the same purpose was omitted. I sent a letter and the missing page to the applicant. Richard Congrove answered the question, initialed and dated the page and returned it to

me. This omission has been resolved and should not delay the processing of this application.

Though the application is a hybrid of the form provided by IDWR and computer-generated pages, the application is acceptable per transfer memo #24.

Summary of Information Submitted

Authority to File: The applicants are the owners of record in the IDWR database.

Water Right Validity: Right presumed to be valid because the partial decree was issued on 4/11/2007, within the past five year period.

Injury to Other Water Rights: There is not expected to be any injury to other rights because the applicant is simply adding his own point of diversion.

Enlargement of Use: The application does not propose an enlargement.

Local Public Interest: There are no local public 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 &/or Analysis and Discussion

There is no additional information needed from the applicants, nor is additional IDWR analysis needed.

There is no reason to solicit comments from the watermaster or other entities or individuals.

There are no overlapping rights at existing place of use. The applicants' point of diversion will be their domestic well, drilled in 1996. A letter was sent to the applicant requesting a drilling permit upgrade fee of \$125.00 which the applicants remitted.

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 is not proposed.