

MEMORANDUM

Date: June 10, 2009
To: Transfer 75342 File
From: Jeff Cooper
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes to add a point of diversion, change the point of diversion, and the place of use for a 0.12 cfs portion of four Big Wood River rights and a 0.02 cfs portion of a groundwater right currently used to irrigate a farm located approximately a mile south of the town of Bellevue on the east side of the Gannet Highway. Currently, the four Big Wood River rights are diverted via the District 45 Canal headgate (located just west of Bellevue) and the groundwater right is diverted from a well located within the current place of use. Transfer proposes to create a 1.5-acre place of use on property located approximately 4.8 mi. north & 1.4 mi. west of the town of Ketchum. Application proposes to use a new pump to be located at the proposed place of use to divert the portion of the four Big Wood River rights. Two existing wells located on that same proposed property will be used to divert the portion of the groundwater right being transferred. The rights to be transferred are currently regulated by WD37, so watermaster comments will be needed. Also, the proposed well is an existing domestic well, so additional fees will be needed.

- **Authority to File:**

The application was filed by Peter B. and Antonia Hunter Breck, Trustees of the Breck Family 1998 Revocable Trust. A warranty deed was provided with the application indicating the aforementioned trust owns the proposed new place of use. An Agreement for Sale and Purchase of Water Rights was provided by the applicant indicating the owner of the rights, South County Estates LLC, consents to the transfer. The agreement was signed by John Scherer, managing member of South County Estates LLC.

- **Water Right Validity:**

Rights involved with the transfer were recommended by the Department to the SRBA court and are currently unobjected to. However, the SRBA court indicates these rights are currently at issue. Contact with the SRBA Bureau with the Department and their legal staff indicate it is alright to transfer these rights since all of the objectors have withdrawn their objections.

- **Injury to Other Water Rights:**

This transfer proposes to move water rights upstream across reaches of the Big Wood River where the IWRB currently has minimum stream flow (MSF) rights. The IWRB will be notified of this transfer. Also, application does not propose to leave anything in the District Canal for conveyance loss, potentially injuring other right holders on that canal.

- **Enlargement of Use:**

None anticipated. Rights will be limited as recommended. The proportions of surface water and groundwater to be diverted from each source at the new PODs will be maintained as they were at the original PODs. A portion of irrigated ground equaling 1.5 acres will be subsequently dried up at the original place of use upon approval of the transfer.

- **Local Public Interest:**

MSF rights could be affected. Application will be also subject to public notice and protest.

- **Beneficial Use/Conservation of Water Resources:**

Proposed use is recognized as beneficial uses of water. Proposed flow/acre exceeds 0.03 cfs/acre.

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.