

MEMORANDUM

TO: Transfer No. 75573 File

FROM: Angela Grimm

DATE: May 6, 2009

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to correct the recorded legal description of the existing P/D of and add a new P/D to water right 63-7110 for irrigation purposes.

The P/Ds and P/U site is Monument Ridge Ranch Subdivision generally located southeast of the intersection of Can-Ada and Lanktree Gulch Rd just east of Snake River Skydiving Airport approximately 3 miles north of Star.

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

Summary of Information Submitted

Authority to File: Department records indicate the applicant is the owner of the right proposed for transfer. The applicant has authority to change its right.

Water Right Validity: Right presumed to be valid because the partial decree was issued on 3/19/07 within the past five year period.

Injury to Other Water Rights: No injury should occur provided use of the wells does not interfere with nearby existing wells. As a ground water right, use of the P/Ds is subject to reasonable pumping level provisions of Idaho Code 42-226. The proposed P/D is a superfluous source of supply adjacent to the existing well, approximately 50 feet away, to be completed in the same aquifer and production zone. The nearest wells are domestic wells of the subdivision residents within ¼ mile of the proposed and existing P/Ds. Based on well logs and proposed production zone data from the applicant, there appears to be a rather large production zone in this area. The domestic wells appear to be completed into the top (200 to 400 ft) of the same aquifer production zone as the proposed P/D. The production zone proposed for the new well is from 400 to 600 ft. Well log data does not indicate the presence of a confining unit at 400 ft, thus it's likely the proposed P/D will be in the same production zone as the existing P/D and nearby domestic wells. The nearest spring, currently being used as a P/D for an existing right, is approximately 2 miles away. The P/Ds' production zone is relatively deep, thus it is highly doubtful diversion from the wells will impact a spring. It is unlikely the P/D proposed will significantly impact the ground water supply for other water rights in this

area considering the previous P/D and proposed P/D are to be completed in the same production zone on the same well lot and enlargement of the use is not proposed.

Enlargement of Use: The transfer will not result in an increase in diversion rate, annual diversion volume or number of acres irrigated. No change to the P/U is proposed. The water right proposed for transfer is a primary irrigation right and will continue to be used as such.

Local Public Interest: Authorizing use of an additional P/D approximately 50 feet from the existing P/D will allow the applicant to construct a new well capable of producing the necessary rate of flow to rehabilitate the currently inadequate irrigation system. Keeping the existing well operational for lower flow rates will allow for elimination of an existing equalization pond that has been difficult for the applicant to maintain, per representative's cover letter of 4/28/09. The irrigation system will likely be more efficient with use of an adequate well, which serves the local public interest. Correction of Department records regarding the location of the existing P/D serves the local public interest. Processing of this transfer will have no impact on the local economy or agricultural base of the area as there is no change in nature of use or place of use proposed.

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.

Discussion

The water right record proposed for change, 63-7110, was decreed 3/19/07. The partial decree was recorded in the database and the record was migrated to a water right record. There are no overlapping rights at the existing or proposed P/D or the P/U.

The applicant's representative submitted a cover letter of 4/28/09 with the application requesting processing of this transfer be expedited to allow the proposed well to be drilled prior to the peak irrigation season this year. It describes the current problems with the existing well and irrigation system. It also states the applicant has received a \$360,000 loan from the Idaho Water Resource Board for rehabilitation of the irrigation system.

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.