

MEMORANDUM

TO: Transfer No. 74949
FROM: Kay Walker 
DATE: April 2, 2009
RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the 93 acre place of use to be within a 207 acre permissible place of use.

The site is located on the east side of Hwy 55 between Eagle and Horseshoe Bend just south of the Ada County line.

Contact person for the applicant is **Lori Graves, SPF Water Engineering, LLC, at 383-4140.**

Deviations from Transfer Policy Standards

The season of use listed for stock water on the transfer application is longer than the decreed season of use. I contacted their representative and she stated that the season of use on the application was in error. They want to go with the decreed season of use rather than an enlarged season.

The points of diversion listed on the application form are the same as shown on the SRBA decree.

Summary of Information Submitted

Authority to File: The decree was issued in the name of First American Title Insurance Co., Trust No. N08562 for Benefit of Suncor Idaho LLC. The applicants have submitted documentation showing ownership of the property in Suncors name. The change in name from Suncor to Avimor is acknowledged by Idaho Secretary of States office. There is also a letter from First American Title Company that approves the filing of the application for transfer. I believe that the application can proceed with all of the above information.

Water Right Validity: Right presumed to be valid because the partial decree was issued on **May 3, 2007**, within the past five year period.

Injury to Other Water Rights: There should be no injury to other rights. The points of diversion are not changing and as long as the right holders do not exceed 93 acres of irrigation at any one time there should not be any injury. Protests were filed against approval of another right (63-32061) filed by the same development; comment letters will be sent to each of the parties involved in that process so they will be advised of this application.

Enlargement of Use: The applicants propose a planned development and wish to have flexibility with the location of this irrigation right. The right should be limited to the irrigation of 93 acres within the 207 acre permissible place of use, so no enlargement could occur.

Local Public Interest: It is within the public interest to allow this development to use their Spring Valley Creek water to irrigate their properties.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial uses 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

Watermaster comments will be requested from Water District 63.

Other important comments requested include the list of protestants of Water Right 63-32061 (municipal use of 5.0 cfs from groundwater).

Discussion

Data entry affected the correct record.

SRBA status was finalized on 5/03/2007.

Overlapping rights at existing P/U are the municipal permits that were issued in 2005 & 2008. The municipal rights are from ground water sources. Overlapping rights at proposed P/U are the municipal permits mentioned above and one additional ground water right for irrigation purposes.

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.