

# MEMORANDUM

**Date:** February 4, 2009  
**To:** Transfer 75382 File  
**From:** Jeanie Robertson  
**Re:** Evaluation of Sufficiency of Information Submitted

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This transfer proposes to add a diversion point and slightly change the place of use for three water rights currently diverting a total of 0.36 cfs and 49.8 AF for commercial use in a potato processing plant. The place of use of the two licenses, 36-8457 and 36-8458, was licensed to the QQ with nominal shapes so this will correct the place of use to property they actually own and where the commercial use is. 36-8457 and decreed right 36-16384 were for the well in the **NESENE** and 36-8458 was for the well in the **NWSENE**. The transfer will add both wells to all three rights. No new wells will be drilled. Location of the wells is approximately 0.75 mile north and 1.0 mile east of Rupert. Proposed use is within WD130 so Water Master comments will be requested. I do not think there will be any apparent hydrologic impact by connecting these two wells and I recommend this transfer be approved in the Region without advertising. Transfer 72395 was approved in 2007 on 36-16384 so I will use the conditions imposed by that as a guideline for this new transfer.

- **Authority to File:**  
The application was signed and filed by Greg Sullivan of Brockway Engineering for Mart Produce Corp, the current owner of the water rights. A limited Power of Attorney to Sullivan was also submitted and was signed by Jeffrey Harper, who is a registered agent of Mart Produce according to the Secretary of State page. Application indicated there was no lien holder on the property.
- **Water Right Validity:**  
Rights 36-8457 and 36-8458 are licenses that were issued in 1993. The parent right for 36-16384 (36-16058) was decreed on 11/27/2001 and another transfer (72395) was approved in 2007 on it. All are for commercial uses in a potato processing plant.
- **Injury to Other Water Rights:**  
None anticipated. Two existing wells are being tied together for back-up purposes; no new wells will be drilled. They are located within WD130 and will be under water master control.
- **Enlargement of Use:**  
None anticipated. The wells are being tied together for back-up purposes.
- **Local Public Interest:**  
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed commercial use is recognized as a beneficial use of water.

**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.**

## MEMORANDUM

**Date:** February 04, 2009  
**To:** Transfer 75382  
**From:** jroberts  
**Re:** Legal Notice Remarks

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Transfer proposes to correct the description of the place of use and tie two existing wells together as backup for three water rights currently diverting a total of 0.36 cfs and 49.8 AF for commercial use in a potato processing plant located approximately 3/4 mile north and 1.0 mile east of Rupert. No new wells will be drilled.