

MEMORANDUM

Date: March 31, 2009
To: Transfer 75332 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes moving a 43 acre (0.61 cfs & 172 afa) portion of a groundwater right (36-16699 split from right 36-2253 prior to data entry) from pivot corners on a farm located approximately 14.0 – 15.0 miles north and 2.5 - 3.0 miles east of Rupert to a farm located approximately 6.5 – 6.75 miles north and 5.3 – 6.0 miles east of Rupert. An existing well located approximately 0.25 mile north of the farm located approximately 6.5 – 6.75 miles north and 5.3 – 6.0 miles east of Rupert will serve as the point of diversion for the transferred portion of the right. The well is located within the ESPA and Water District 130. Note that this transfer is the companion transfer to transfer # 75334. These two transfers basically propose swapping 43 acres of right 36-2253 with 43 acres of right 36-7971 to get the older priority water on better farm ground, with transfer # 75334 also modifying the place of use of the remaining portion of right 36-2253 to reflect the irrigated acres under pivot sprinklers. The transfers will also update the ownership of the rights. Surface water is not appurtenant to the farms involved with the transfers.

- **Authority to File:**

The applicant, Cory Thain, is the current owner of record of the right involved with the transfer according to IDWR records. The application was signed by Greg Thain, but the application includes a copy of a document signed by Cory Thain granting Greg Thain the right to represent and sign on his behalf regarding his farm including water rights. The application and cover letter submitted with the application indicate that the land owner of the proposed place of use (in this case Greg Thain) will be the owner of the right after the transfer. Deeds provided with the application indicate that Greg Thain is the owner of the place of use proposed by transfer # 75332.

- **Water Right Validity:**

The right involved with the transfer has been decreed in the SRBA. Recent aerial photography indicates that the right involved with the transfer appears to have been used. Affidavits have also been included addressing past use of right 36-2253.

- **Injury to Other Water Rights:**

None anticipated. An ESPA model analysis was performed relating to the swapping of the rights between the two farms and results of the analysis show no significant impact to any reaches of the Snake River.

- **Enlargement of Use:**

None anticipated.

- **Local Public Interest:**

No issues anticipated. Application will be subject to public notice and protest.

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

Proposed 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.