

## MEMORANDUM

TO: Transfer No. 75117 thru 75121

FROM: Sharla Curtis

DATE: March 12, 2009

RE: Evaluation of Sufficiency of Information Submitted

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Four of these transfers were filed to add a point of diversion and create a permissible place of use for each of four siblings. The fifth transfer was filed to change the pod and pou for a stockwater and domestic right to the property of one of the siblings. The right shared by the four siblings was split before data entry of the transfers based on ownership since each of the transfers contained warranty deeds confirming ownership.

The sites are on both sides of Canyon Creek Road within Section 11, T2S, R6E in Elmore County.

Contact person for the applicant is Lori Graves with the consulting firm of SPF.

### **Summary of Information Submitted**

**Authority to File:** Warranty deeds confirm ownership of each parcel. As stated above, pre-transfer splits were made according to ownership documentation.

**Water Right Validity:** Rights presumed to be valid. Rights were decreed more than 5 years ago but beneficial use was confirmed in most recent 5 years by 2004 and 2006 aerial photography.

**Enlargement of Use:** Enlargement is not proposed; each sibling has a permissible place of use limited to 10 acres in an irrigation season and combined limits for all the rights will be listed as a condition in each of the transfer approvals.

**Local Public Interest:** Continued irrigation serves the public interest unless otherwise determined during the protest period.

**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.**

### **Additional Information &/or Analysis**

Watermaster comments will be obtained as part of the advertising process for the surface water right.

### **Discussion**

There are no overlapping rights at existing /proposed places of use other than the portions of the right split by four of the transfers. The combined limitations for this overlap will be stated as conditions on the transfer approvals.

### **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.

Condition 046 n/a for the ground water right since the well to be used is existing.