

MEMORANDUM

Date: December 24, 2008
To: Transfer 75326 File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

Transfer #75326 proposes to change the point of diversion of groundwater right (37-8729) to a new well to be drilled on an existing farm located approximately 1.25 – 1.75 north and 0.5 - 0.9 west of the HWY 93 and HWY 20 intersection at Carey. The applicants have sold the portion (residence) of the farm with the existing irrigation well and wish to drill a new irrigation well on the north east corner of the farm (just east of the old well) to divert 2 cfs for the irrigation of 120 acres on the original farm. Note, the potential overlap of right 37-1162 is in fact an old, separate domestic well that will be associated with the home on the sold portion of the property. Via telephone conversation (1/6/2009) with Leta Hansen, after transfer approval, the old irrigation well will be abandoned.

Furthermore, the application is flagged “yes” for the liens, mortgages, etc. question (the original intent of the applicant was to transfer the place of use to a property south of the current farm that involved a lien holder, but they changed their mind and will not change the place of use). Since the place of use is not changing, there is no need for proof of ownership and since the current place of use has no lien, mortgage etc. additional information is not required. The properties and points of diversions involved with the application are located within water district 130 and the ESPA smooth model boundary but the two wells (one existing and one new) are located in adjacent cells and are within 2500 ft. of each other so a model analysis was not necessary. I believe this transfer is approvable in the region although advertising is probably necessary due to the new well being drilled.

- **Authority to File:**
The applicants are listed as current owners of the license involved with the transfer according to IDWR records.
- **Water Right Validity:**
Water right 37-8729 was licensed on 10/18/1994. 2004 aerial photos show the land involved with the transfer as recently irrigated so forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated. The two wells are within 2500 ft. of each other and in adjacent model cells.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative or hydrological impact 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.