

MEMORANDUM

TO: Transfer No. 74754

FROM: Kay Walker

DATE: February 24, 2009

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the point of diversion for a portion of Rt. 63-2963 that was split between new property owners.

The site is located 0.5 miles west of Highway 55 on Beacon Light Road.

Contact person for the applicant are the applicants, Gary and Dee Davis, at 938-6189.

Deviations from Transfer Policy Standards

There are no township, range and section depictions on the map attached to the transfer application; however, it was prepared in our office and that information was mistakenly left off. The information is contained throughout the transfer application and on the copy of the recommendation that is attached to the application so I don't think we need to hold up processing for this omission.

The recommendation for water right lists the point of diversion to a 40 acre tract only. The proposed well is clearly depicted on the map attached to transfer application as located within the SESESW, Sec. 34, Twp. 5N, Rge. 1E. We should describe it in the SESW, Sec. 34, Twp. 5N, Rge. 1E, as applied for, but will show in GIS as depicted on map attached to application form.

Summary of Information Submitted

Authority to File: Applicant is holder of partial decree issued 2/6/2008.

Water Right Validity: Right presumed to be valid because the partial decree was issued on 2/6/2008, within the past five year period.

Injury to Other Water Rights: No injury should occur since this land was historically irrigated from a well within 1/2 mile of the proposed well.

Enlargement of Use: No enlargement should occur. Property owner only owns 5 acres of land and water right is for 5 acres so enlargement would not be possible.

Local Public Interest: It is within the public interest to allow the property owner to drill their own well to irrigate their land rather than utilize a shared well.

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

Additional information applicant should provide is a signature from Dee Davis who is also shown on the form as an applicant. I left a voice message on their phone discussing this and a request for information regarding the proposed well.

Gary and Dee Davis came into the office on 2/23/2009 so Dee could sign the application. Gary stated that the proposed well would be either an 8 inch or 10 inch well and approximately 150 feet deep.

It is noted that the land under this proposal is subject to a lien, mortgage, or contract. However, pursuant to pages 20 & 21 of Transfer Processing No. 24 the proposed transfer will not negatively impact the land; in fact, the proposal should increase future value of the property so a notice from the lien holder was not required in this review.

Additional IDWR analysis is not necessary. The application falls within the B63 shallow ground water area above Star. The well historically used to irrigate this property was 131 feet deep and was cased to 52 feet (pursuant to field exam of Rt. 63-2963). Pursuant to Garys proposal the new well should not affect the shallow ground water area since the prior well is within the same aquifer as the proposed well.

Other important comments requested include none identified.

Discussion

Data entry affected the claim before the recommendation was updated to water rights. We will need to change the data entry to the partial decree record before going any further.

SRBA status is finalized. Partial Decree issued 2/6/2008 with an error in the quantity decreed. Have notified the court and requested an amended partial decree. Court acknowledged error and will correct and prepare amended partial decree. Decreed water right record reflects the recommendation, not the partial decree.

Overlapping rights at existing P/U are Rt. No. 63-32589 from Dry Creek. That right is for use of Dry Creek on all 5 acres with a 1905 priority date. The decrees for these rights limit the use of water to 5 acres and 0.10 cfs when they are combined.

Mitigation is not necessary for this proposal.

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 would be applicable since a new well is proposed.