

MEMORANDUM

TO: Transfer No. 74575

FROM: Kay Walker

DATE: February 3, 2009

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to add a new well to this water right so the right holder can use their own well rather than share the original well under 67-2170.

The site is located on Ross Road, southwest of Hwy 95.

Contact person for the applicant is the applicant, Julia Johnson at (801)272-4453 in Salt Lake City, UT.

Deviations from Transfer Policy Standards

The application does not include the section, township, range or county for the proposed point of diversion. The map attached to the application clearly shows the location of the proposal and the application does list the township, range and section on the place of use description. The applicant also attached a copy of preliminary recommendation of water rights from the SRBA staff. We have enough information in our file to process the application even though it is not complete. The applicant only listed a quarter-quarter for the location of the proposed point of diversion. The decree lists a 10-acre tract description for the existing well. The new well will be located on the applicants property which is located in the SWSESE, Sec. 5, Twp. 10N, Rge. 5W, pursuant to County tax lot data and map attached to application form.

Summary of Information Submitted

Authority to File: Applicant is water right owner on decree issued 12/04/2008.

Water Right Validity: Right presumed to be valid because the partial decree was issued on 12/04/2008 within the past five year period.

Injury to Other Water Rights: No injury should occur since property has been irrigated from a well within the same 40 acre tract since 1937.

Enlargement of Use: No enlargement should occur.

Local Public Interest: Applicant should be able to drill a well to irrigate her property rather than use a well on adjoining property.

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

This transfer does not fall within any problem areas. There is no additional information or further analysis required.

Discussion

Data entry affected the correct record after I removed the initial entry which discussed the AJ claim and replaced it with the partial decree that had been migrated into water rights.

SRBA status decreed in December of 2008.

Overlapping rights at existing &/or proposed P/U exist of one licensed right (67-7724) that was issued for irrigation of 13 acres in the SE1/4, Sec. 5, T10N, R5W in 1987. This right was filed because it was not certain if Rt. 67-2170 would be found valid in the SRBA. It appears that License 67-7724 would overlap a portion of the place of use under the transfer.

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 is applicable since a new well is proposed.