

MEMORANDUM

TO: Transfer No. 75172

FROM: Kay Walker

DATE: October 16, 2008

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to add a well to provide additional water for irrigation purposes. Existing well is not adequate to irrigate entire property pursuant to transfer application.

The site is located south of Olds Ferry Road and $\frac{3}{4}$ miles west of Jenkins Creek Road.

Contact person for the applicant is the applicant, Mary E. Wilson at (208)642-2646 in Weiser, Idaho.

Deviations from Transfer Policy Standards

The application came into our office with no signature and no filing fee. I corresponded with the applicant on September 16, 2008, to request these items so we could process the application.

I had also requested the applicant locate the proposed point of diversion on the map and insert the legal description on Item 4 of application form. The applicant had listed the SRBA recommended point of diversion described as the SENWNW on the application form. The applicant then added the proposed point of diversion within the NENWNW on the map and inserted a legal description of the NWNW SW on Item 4 of the application form. After review of the resubmitted application form I contacted the applicant to find out if they were intending to use one well or two after the transfer. I talked with applicant's son on October 17th regarding the points of diversion and he did not realize that the recommended point was the original well from 1958. He stated that they have been using a well east of the home for irrigation purposes and have never utilized the recommended point of diversion. Therefore, I recommend we show the intention of the application to utilize two points of diversion within the NWNW, Sec. 24 and remove any 10 acre tract indicators on the legal description.

Summary of Information Submitted

Authority to File: The applicant provided a copy of their deed for this property and it agrees with the recommended water right and tax lot data for this area.

Water Right Validity: Right presumed to be valid based on the pending SRBA recommendation. The SRBA objection period is over and objections were not filed. The SRBA Court is preparing to sign the decree within the next week pursuant to a review of their internet site.

Injury to Other Water Rights: There should be no injury to other water rights. This property has been irrigated from a well within the same 40 acre tract since 1958.

Enlargement of Use: No enlargement should occur. Applicant had originally listed a year round irrigation season on the form but changed this to standard season when I returned the form for signature and fee.

Local Public Interest: It is within the local public interest to allow the property owner to drill a well to irrigate the property.

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.

Discussion

The applicant used quite a bit of white out on the application form before it was submitted in June of 2007. They then modified the season of use with white out when I returned the application for signature and filing fee. Since the applicant made these corrections before it was notarized I do not think it should be returned for aesthetic purposes.

Data entry affected the correct record which is the pending recommendation at SRBA Court.

SRBA status is pending decree. Checked the court's website today and it shows that the partial decree will be issued within the next few days.

Overlapping rights at the existing P/U consists of surface water from the Institute Canal Company. The applicant did not indicate that they utilize the water but the SRBA recommendation contains a remark indicating the use of surface water on the land and no objection was filed to disagree with that remark. In talking with the applicant there is no way for them to utilize the canal water at their property.

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. A review of our well log records found no well log for the existing well that applicant has been using so we must assume that it was drilled prior to a drilling permit being required.