

MEMORANDUM

TO: Transfer No. 63-32324

FROM: Kay Walker

DATE: September 17, 2008

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to drill a new well and irrigate a permissible place of use under Rt. 63-32324.

The site is located approximately 2 miles south west of Meridian, Idaho.

Contact person for the applicant is Roxanne Brown, SPF Water Engineering, LLC, at 383-4140.

Deviations from Transfer Policy Standards

Standards call for identifying the point of diversion to a 10 acre tract when confirmed. The current point of diversion for Rt. 63-32424 is only identified to a 40 acre tract and the transfer application only identifies the proposed well to a 40 acre tract. The map attached to the application shows the proposed new well to be within SESWNW, Sec. 24. However, since the application is only a proposal I would recommend the approval to show a 40 acre tract location for the point of diversion in case the well is not drilled where anticipated and to allow the applicant flexibility in the location of the well.

Summary of Information Submitted

Authority to File: This application was submitted for two entities. One entity being Tuscany Development, and the other entity being Kenai Partners. In review of the signature on the application form it is noted that Greg Johnson is a partner in both entities and would have authority to sign on behalf of these businesses. The water right is currently in the name of Kenai Partners which authorizes this entity to file this application for transfer.

Water Right Validity: Right presumed to be valid because the partial decree was issued on 04/10/2007, within the past five year period.

Injury to Other Water Rights: There should be no injury to other water rights if this transfer is processed.

Enlargement of Use: The transfer proposes a new well and application of the water right to a permissible place of use. This right was decreed for the irrigation of 17 acres. The applicant intends to use this right, along with their Nampa-Meridian Irrigation District Shares to irrigate 112.8 acres.

Local Public Interest: The local public interest is served by allowing the owner's to develop their 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.

Discussion

Data entry affected the correct record in review of the right identification numbers under query of the water right records. The Right ID is the same for the transfer application as was on the decreed record which was migrated to water rights before the transfer was data entered.

SRBA status is not applicable. The decree was issued on this right in April of 2007.

Overlapping rights at existing &/or proposed P/U are Nampa-Meridian Irrigation District shares. This ground water right is supplemental to the irrigation district water.

Overlapping right at proposed point of diversion is an Application for Permit No. 63-32645 in the name of Tuscany Development.

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 should be utilized if this transfer were approved since a new well is proposed. Also need to use conditions stating use of surface water before using well for irrigation purposes (065 and 104).