

MEMORANDUM

TO: Transfer No. 75197 File

FROM: Vicky Music

DATE: October 1, 2008

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to add a point of diversion on the Snake River and split applicants' lot from place of use of water right no. 2-10331.

The site is lot 2, block 1 in the Hidden Valley Estates subdivision in Owyhee County. The subdivision is located 4 miles south Marsing and ½ miles east of Hwy 78. The lot is adjacent to the Snake River.

Contact persons are the applicants, Greg and Susan Sims.

Deviations from Transfer Policy Standards

There was a few errors and omissions in the in the applicant that were corrected. In Part 1 (6)(b), the applicant answered "yes" to this question which asks if the lands from which the right is being transferred is subject to liens, deeds of trust, mortgages or contracts. However, the notarized statement required was not included with the application. I called the applicant but their phone number had changed so I wrote a letter requesting the statement.

I received a phone call from Greg Sims in response to my letter. He stated he misunderstood this question, someone at IDWR had filled this part out for him, he had no idea if the land from which his portion of the right was being transferred was subject to the described documents or how to find out, and finally, he called his neighbor who had filed a similar transfer and discovered the neighbor did not have to get a statement. He decided to amend the transfer.

When I received the amended transfer, I discovered that the applicant had also made some changes in the transfer application in Part 1 (page 1). He changed Part 1(B)(1) from 0.03 cfs to "04", changed Part 1(B) (2) from 1.5 cfs to "1.8" cfs and from 6.75 any to "8.1" any. (This original 1.5 cfs was in error - it should have been the same as the original 0.03 cfs in (1), however, I thought this was something that I could correct). He also changed the acres and total acres in Part 1(B) (5) to 1.8. The changes were not initialed or dated.

I informed the applicant that these changes also changed the application Part 2(B). We decided it would be easier and clearer for him to submit a new application which he did on May 8, 2008.

Finally, there is a deviation in the fees. This deviation was approved by the Bureau Chief. Please refer to the attached *Conversation Memorandum*, dated 7/6/07 for File # 2-10324.

Summary of Information Submitted

Authority to File: Applicants submitted a warranty deed proving they have the authority to file this transfer.

Water Right Validity: The parent right, 2-2073 was split and its progeny were recommended in the SRBA. The SRBA objection period is over and objections were not filed.

Injury to Other Water Rights: There should be no injury to other rights.

Enlargement of Use: The transfer does not propose an enlargement and none is anticipated.

Local Public Interest: No negative impacts are expected.

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 and Discussion

Transfer # 73806, filed by Leo and Anita Berger on September 4, 2008 (supersedes the Larry and Barbara Harpe transfer), is also a split from 2-10331. Additionally, there are changes of ownership filed by Phil and Susan Warner (Lot 3) and Val Shap and Yevgeniya Shaposhnik (Lot 1). The Sims and Berger transfers, and the Warner and Shap/Shaposhnik changes of ownership should be processed together so that the parent right 2-10331, be split one time in the database.

No additional information is needed from the applicant nor is additional IDWR analysis required.

Watermaster comments are not applicable and no other comment letters are necessary.

Initial data entry was done at the state office by Don Shaff. Don split the 2-10331 AJ record into five new numbers in anticipation of the new lot owners filing transfers. So, when this transfer was processed at Western region, the record changed was not parent 2-10331, but 2-10347.

The SRBA status is that the parent right was split by numerous transfers and changes in ownership its offspring were claimed, recommended, and are awaiting partial decrees.

The parent right, 2-2073, was for 145 acres irrigation and 2.90 cfs or 0.02 cfs/acre. There were numerous changes of ownership and transfers wherein the duty of water was correctly figured at 0.02 cfs/acres. In 2007, a change of ownership processed at the state office and the remainder right 2-10257 was assumed to be a permissible place of use, 1.98 cfs for 94.1 acres irrigation in a 130-acre place of use. The subsequent change of ownership split the right into 2-10330 and 2-10331 [remainder]. The quantity for 2-10330 was calculated $1.98 \text{ cfs}/130 \text{ acres} = 0.015 \text{ cfs/ac} \times 1.5 \text{ acres [Thompson's lot]} = 0.02 \text{ cfs}$.

Because this method differed from that used for the numerous prior splits and to provide guidance in the future, Steve Lester and I met with Don Shaff and Jeff Harris to determine which method was to be used for future splits, and what could be done about 2-10330. We determined that 0.02 cfs/acre would be used and the acres subtracted from the parent rights – both in the irrigated acres and in the permissible place of use.

Because the Thompsons did not protest the rate or quantity transferred to them in 63-10330, it was decided that no correction would be made to this right.

There are no overlapping rights at existing &/or proposed P/U.

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 n/a since a new well(s) is not proposed.