

MEMORANDUM

Date: December 19, 2008
To: Transfer 75251 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes increasing the size of a permissible place of use for four groundwater rights (37-7288A, 37-20365, 37-20367, and 37-20369) from 254 acres to 494 acres. The four rights are currently recommended in the SRBA (not yet decreed) and are diverted from a single well and used on a farm located approximately four to five miles east of Fairfield on the north side of Highway 20. The four groundwater rights are currently limited to a combined diversion rate of 2.23 cfs, an annual diversion volume of 747.5 acre-feet, and the irrigation of 248.0 acres within a 254 acre permissible place of use. The transfer is pretty straightforward and should not result in any hydrologic change so does not warrant advertising and can be approved at the region level (per State Office direction). The only somewhat unusual item with this transfer relates to the ownership of the land that increases the permissible place of use boundary from 254 acres to 494 acres. The new land is adjacent to the existing 254 acre permissible place of use. William A and Shirley M Simon (applicants) are the listed current owners of the four groundwater rights involved with the transfer and the current 254 acre permissible place of use. The new land is actually owned by Selby Crossing LLC. Note that William A Simon (applicant) is a member of Selby Crossing LLC. However, including the Selby Crossing LLC land within the permissible place of use raises a potential ownership issue. To address this potential issue, an agreement signed by all of the members of Selby Crossing LLC has been included with the application. This agreement allows the four groundwater rights owned by William A and Shirley M Simon to be used on the Selby Crossing LLC property and acknowledges that William A and Shirley M Simon (current water right owners) will retain ownership of the four groundwater rights.

- **Authority to File:**
The applicants are the current recorded owners of the rights involved with the transfer. The owners of the new land to be added to the permissible place of use have provided a written agreement authorizing the use of the applicant's water on their land and acknowledging that the applicants will retain ownership of the rights.
- **Water Right Validity:**
The rights involved with the transfer are recommended as valid rights in the SRBA (decrees not yet issued).
- **Injury to Other Water Rights:**
None anticipated. No change in point of diversion is proposed.
- **Enlargement of Use:**
None anticipated as long as current water right limits are maintained.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.