

MEMORANDUM

TO: Transfer No. 73823 File

FROM: Cynthia Bridge Clark

DATE: July 25, 2008

RE: Evaluation of Sufficiency of Information Submitted

This transfer, filed in the name of Living Trust of Harry R. and Camille M. Martz (Martz), proposes to change the place of use and point of diversion of water right no. 63-33098 to the applicant's lands for irrigation purposes. The original place of use is located near Melba, Idaho. The new place of use and point of diversion are located north of Eagle, Idaho (north of Beacon Road and between Eagle and Ballantine Roads).

The contact person for the applicants is David B. Shaw, ERO Resources Corp. (208-373-7983).

Summary of Information Submitted

Authority to File: Water right no. 63-33098 was split from right no. 63-32893 after it was decreed in the Snake River Basin Adjudication (SRBA). Both rights are portions of parent rights 63-32396 (referenced on the transfer application) and 63-7194 (Mellin right) which has been split several times (see attached split tree) during the review of claims filed in the SRBA and subsequent transfer applications. Water right no. 63-33098 was split based on a Grant Deed provided with the transfer application between the applicant and the water right owner of record. Additional information regarding the Living Trust of Harry R. and Camille M. Martz was provided to clarify signatory authority.

Taxlot information available to the Idaho Department of Water Resources (department) at the time of this review indicates the applicant owns the place of use to which the right will be transferred.

Water Right Validity: Parent water no. 63-32893 was decreed in the SRBA on May 16, 2008. Therefore, the split right is presumed to be valid.

Injury to Other Water Rights: There was no information available at the time of this review to suggest injury to other water rights will occur as a result of this transfer (see Discussion section below).

Enlargement of Use: The transfer does not propose an increase in acres irrigated or annual volume. Note, the rate proposed in this transfer (0.8 cfs) provides a miner's inch per acre (0.02 cfs/ac). This is a slightly higher rate per acre than authorized under the parent right (0.0167

cfs/ac). Other transfers processed or proposed from the parent right have maintained a more proportional split (a rate of 0.7 cfs is a more proportional split for 4 acres). However, a rate of 0.8 cfs is specified on the transfer application as well as the deed transferring ownership of the right and does not exceed an inch per acre.

Local Public Interest: There was no information available at the time of this review to suggest this transfer is not in the local public interest.

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

This transfer was filed on March 30, 2007. As described earlier, the transfer application was filed to change a portion of parent water right no. 63-7194.

As identified in the transfer application, the new point of diversion is an existing well drilled in 1999. A non-domestic well upgrade fee of \$125.00 was requested during the application review (see e-mail to Dave Shaw dated April 3, 2008) but was not received prior to advertising. The proposed point of diversion is at the edge of the area within which ground water shallower than 200 feet below ground surface is tributary to the Boise River upstream of Star Bridge (see Amended Application Processing Memorandum No. 59). Based on the driller's report, the existing well was drilled to a depth of 340 feet. Therefore, the change in use is consistent with current guidelines for processing applications for permit for new consumptive uses in the Lower Boise River Basin.

~~The application indicates the amount transferred is~~

Watermaster comments: Not applicable for this application.

Overlapping rights: A place of use (POU) overlap shows no overlapping water rights at the original POU.

Additional Information: Additional information was not requested at the time of this review.

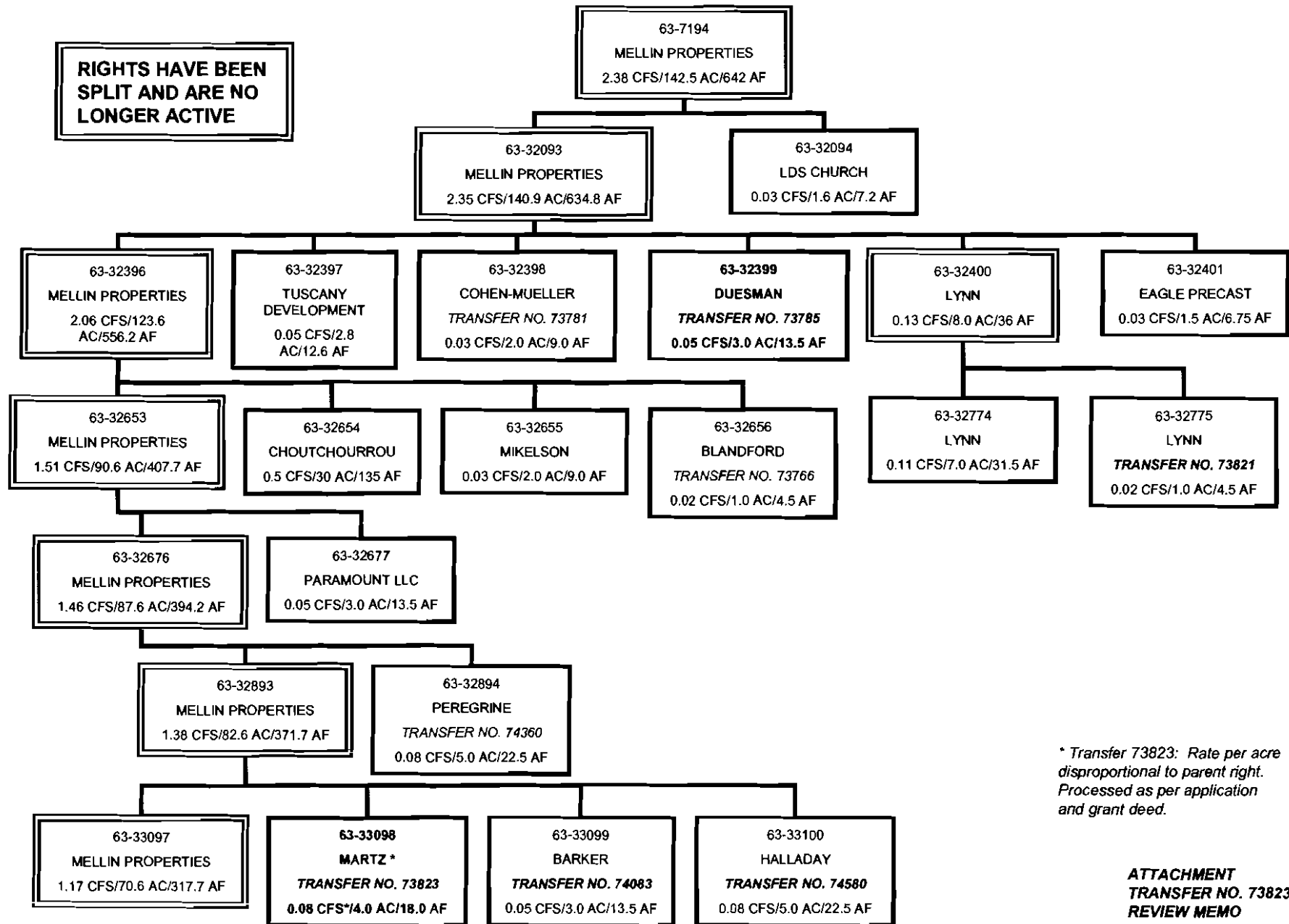
Summary

Assuming other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 is not applicable since a new well(s) is not proposed.

ADJUDICATION CLAIMS SPLIT TREE FOR MELLIN PROPERTIES (PARENT WATER RIGHT NO. 63-7194)

**RIGHTS HAVE BEEN
SPLIT AND ARE NO
LONGER ACTIVE**



* Transfer 73823: Rate per acre
disproportional to parent right.
Processed as per application
and grant deed.

**ATTACHMENT
TRANSFER NO. 73823
REVIEW MEMO**