

MEMORANDUM

TO: Transfer No. 74580 File

FROM: Cynthia Bridge Clark

DATE: July 25, 2008

RE: Evaluation of Sufficiency of Information Submitted

This transfer, filed in the name of Scot Halladay, proposes to change the place of use and point of diversion of water right no. 63-33100 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 south of Kuna Road, between Fivemile and Cole Roads.

The contact person for the applicants is Steve Hannula, ERO Resources Corp. (208-373-7983).

Summary of Information Submitted

Authority to File: Water right no. 63-33100 was split from right no. 63-32396 (referenced on the transfer application) after it was decreed in the Snake River Basin Adjudication (SRBA). Both rights are portions of parent right no. 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. 63-33100 was split based on a Contract for Sale of a Water Right provided with the transfer application between the applicant and the water right owner of record.

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, diversion rate or annual volume.

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 February 14, 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 POD is an existing well. A well log could not be located for the well to determine whether a non-domestic well upgrade fee is required. The parent right and the proposed new use are both located in the portion of administrative Basin 63 that is open to new uses. In accordance with existing department policies and regional office knowledge of the local situation, there are no identified restricted areas or known areas of ground water problems, conflicts or prior protests. Based on this information, the proposed change in location is presumed to involve the same “regional aquifer” within which injury is not expected.

Watermaster comments: Not applicable for this application.

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

Additional Information: None.

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)

