

## MEMORANDUM

TO: Transfer No. 74083 File

FROM: Cynthia Bridge Clark

DATE: July 25, 2008

RE: Evaluation of Sufficiency of Information Submitted

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This transfer, filed in the name of Max Barker, proposes to change the place of use and point of diversion of water right no. 63-33099 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 northeast of Notus and west of the highway 30.

**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. 63-33099 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. 63-33099 was split based on a Contract for Sale of a Water Right and Grant Deed 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 August 13, 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 domestic well. A non-domestic well upgrade fee \$125.00 (Receipt no. W035733) and transfer application fee of \$100.00 (Receipt no. W035734) were paid on August 13, 2007. The parent right and the proposed new use are both located in the portion of administrative Basin 63 downstream from Star Bridge 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.

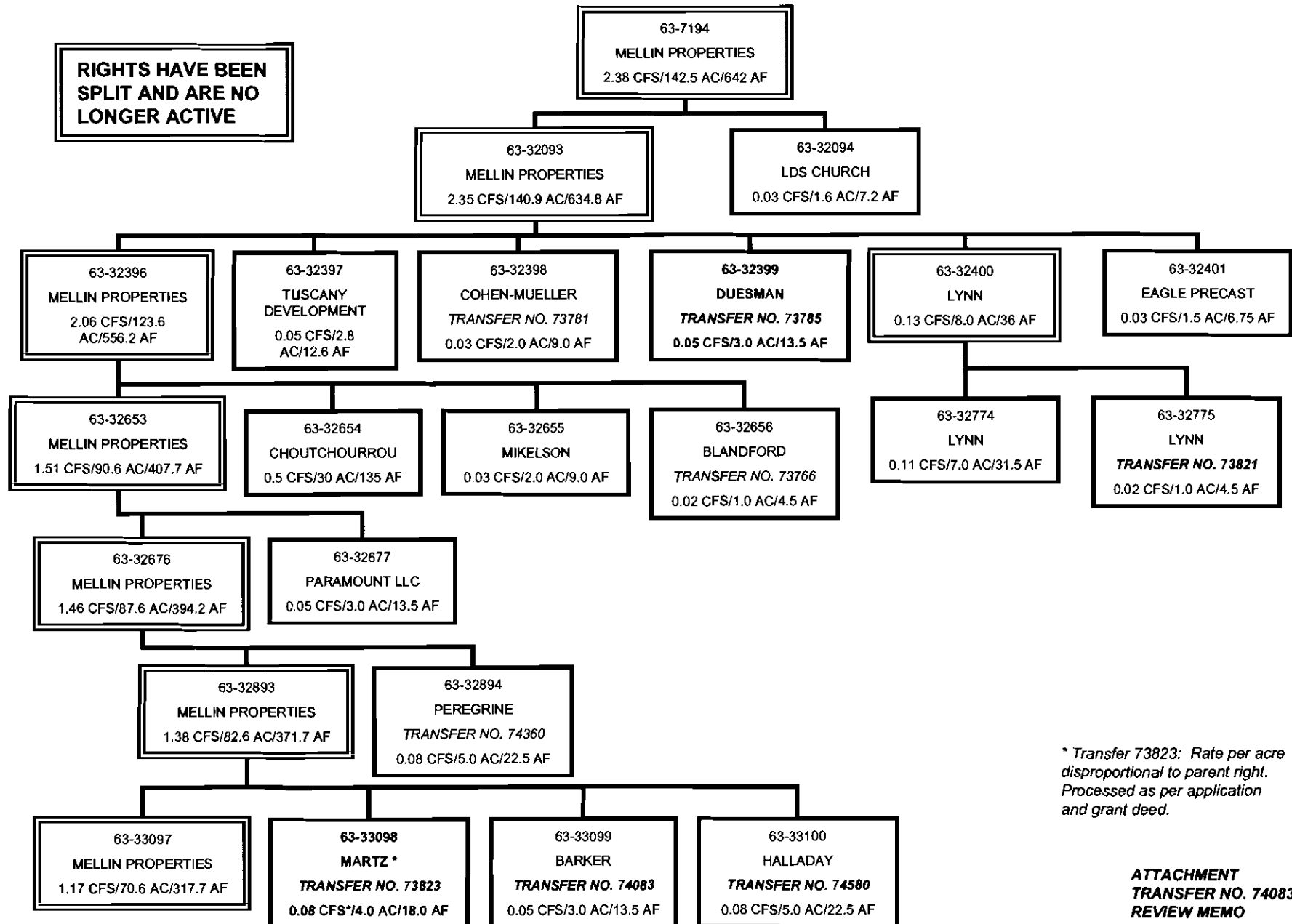
**Additional Information:** None.

### **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)



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

**ATTACHMENT  
TRANSFER NO. 74083  
REVIEW MEMO**