

MEMORANDUM

Date: November 10, 2007
To: Transfer 73342 File
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

Transfer seeks to create a ppu of 2,102.4 acres, limited to 1642 acres within during any one year, by combining 24 rights from surface and ground water to provide greater flexibility in their irrigation practices. One right has a surface water diversion from Cottonwood Creek, two rights share a surface water diversion from Clear Creek, twelve rights share two surface water pods from the Raft River - a third pod will also be added to these, and nine rights share 6 wells - another well will also be added to these rights. (The well was drilled and added to the system in the nineties but was never added to the rights.) Determining the combined limits on all of these rights was a challenge as there were many subsets of limits already existing. There was one set of 7 rights within a 254 ac ppu (43-222A, 43-222B, 43-315, 43-2363, 43-10649, 43-10650, and 43-10651) and another set of 15 rights within a 1351 ac ppu (43-89, 43-90, 43-201, 43-202, 43-203, 43-204, 43-206, 43-2358, 43-2400, 43-2554A, 43-4003B, 43-4130A, 43-4131, 43-13076 and 43-13077). 43-13119 was actually within the same ppu but was not included in the previous decreed remark. I added it so now there are 16 rights in that set. One extra right, 43-2386B, was purchased later so it was only included in the final total combined limit remark. Some of the rights did not have all of the limits, but the combined limit tables listed them and they were listed in the language of other rights, so I added them in at this time. 43-222A had a combined limit remark listing a bunch of rights limited to 1552 acres. It was the only right with this particular remark and I could not make sense of it so I just dropped it. The approximate location of the place of use is between 10.5 – 14.0 miles south of Malta on the east side of HWY 81.

- **Authority to File:**

IDWR Records show all of the water rights in the name of the applicant, Wynn Dewsnup Family Revocable Trust. (Arimo Corporation, care of Christopher F Robinson, who filed the original application, assigned the transfer over to the new owners.) There is a new lien holder on the property that has been notified to provide a letter agreeing to the proposed changes.

- **Water Right Validity:**

Partial decrees were issued for all but three of the rights on 6/28/2002. The three Clear Creek rights: 43-206, 43-415B, and 43-13119 were issued partial decrees on 11/4/2002, so forfeiture does not appear to be an issue.

- **Injury to Other Water Rights:**

None anticipated. No new wells will be drilled at this time, the records will merely be updated to reflect a well drilled and tied into the system in the nineties. As far as the extra pod on the Raft River, there are no other diversions between this new one and the old one as the river meanders through the applicants property. This diversion was apparently put in several years ago but the rights never reflected the change.

- **Enlargement of Use:**

None anticipated as long as the acre limits within the ppu are adhered to. The overlap

review showed three possible overlapping rights: 43-316, 43-322, and 43-2291. Investigation showed that 43-2291 was combined with 43-2175 under claim and SRBA decree 43-10649, and 43-316 & 43-322 were combined under claim and SRBA decree 43-10650.

- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water. The applicants wish to have greater flexibility for irrigation purposes within their property boundaries. They stated that the surface water rights are co-mingled with their ground water rights under one irrigation system.

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.

