

MEMORANDUM

TO: Transfer No. 74046 File

FROM: Vicky Music

DATE: July 14, 2008

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the place of use of licensed right 63-3298 to a permissible place of use in preparation for development of the property into Cimarron Ridge subdivision. The place of use is currently 164 irrigated acres. The transfer would increase the place of use to include 240 acres owned by the applicant but irrigation would still be limited to 164 acres within the 240 acres.

Additionally, the transfer proposes to add a point of diversion to the right. A replacement well was drilled in 1992; however, it appears that the original well was not abandoned. The applicants wish to use both wells. The well drilled in 1992 will be added as the second point of diversion.

The site is 8 mi southeast of Marsing, Idaho, and 5 miles southwest of Lake Lowell in Canyon County. N. Valley Rd. bisects the proposed permissible place of use.

Contact person for the applicant is consultant Christian Petrich, SPF Water Engineering, LLC.

Deviations from Transfer Policy Standards

The original application listed in Part 1(A) (1), that the purpose of the transfer was to change the place of use Part 1(A) (2) in that sections further described the change to a 240-acre permissible place of use. Irrigation would be limited to the 164 acres authorized by water right no. 63-3298.

In Part (B) (4), the points of diversion are listed as “Rawlings irrigation wells (2 wells).” However, the right was licensed for 1 point of diversion. The IDWR license file contains a well log for a well drilled in 1992. In item no. 2 – Nature of Work on the log, the driller typed “REPLACE”. The water-bearing zone is 400’- 465’. Additionally, the SRBA claim file contained no information about a second well.

I sent consultant, Christian Petrich, SPF Water Engineering, an e-mail explaining that the second well was not authorized under the water right and requesting that if the applicants intended to use both wells, an amendment was needed. SPF submitted an amended page 1 adding the second well as a point of diversion. The amended page 1 was initialed by

applicant Richard Rawlings. Though I requested in my e-mail that (both) the applicants initial and date it, the fact that Judith did not initial the amended page is not significant enough to delay the processing of this transfer application. Both applicants signed the original application.

The map submitted with the application shows the location of the two existing wells. The northernmost well is the newer well. The fact that the applicant did not denote which was the new point of diversion is not a significant deviation from policy because the original well location is available in the IDWR license file.

There are no other deviations from IDWR transfer policy.

Summary of Information Submitted

Authority to File: The applicants provided a tax notice and a warranty deed as proof they have the authority to file this application.

Water Right Validity: Right presumed to be valid based on the pending SRBA recommendation. The SRBA objection period is over and objections were not filed.

Injury to Other Water Rights: Applicant owns all of the property in the proposed permissible place of use and no injury to other rights is expected.

Enlargement of Use: The transfer does not propose an enlargement and none is anticipated.

Local Public Interest: No negative impacts are expected.

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.

Additional Information &/or Analysis and Discussion

No additional information is needed from the applicant nor is additional IDWR analysis required.

The underlying water right is a groundwater source so a request for watermaster comments is not applicable and no other comment letters are necessary.

The SRBA status was described above in the Summary of Information Submitted/ Water Right Validity section of this memo.

There are currently no overlapping surface or groundwater rights. An Application for Permit 63-32549 was submitted and approved for the proposed subdivision. The approved uses are fire protection and in-house domestic use for approximately 131 homes. No irrigation was requested as it is covered by this right.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

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