

MEMORANDUM

TO: Transfer No. 73780 File

FROM: Vicky L. Music

DATE: February 15, 2008

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to add a point of diversion and change the ownership. However, the ownership was changed and the parent right 2-7189B was split in June 2006 by Don Shaff so that the recommendations could be submitted to the Court in the name of the correct owner. As a result of the split, this right was numbered 2-10319. So, adding a point of diversion remains to be done.

The site is a 5-acre parcel owned by applicants Michael and Sue Clarke on the Snake River in Owyhee County aka Lots 2 and 3 in the Ferry Heights Subdivision in Melba, Idaho.

Contact person for the applicant is Ed Squires at Hydro Logic, Inc.

Deviations from Transfer Policy Standards

Applicant did not answer item no. Part 2(A)(9) on the application re other water rights for the same use. A workflow search and review of the licensing backfile reveals no overlaps on this property. So, I was able to rectify this omission.

Summary of Information Submitted

Authority to File: The applicant is the SRBA recommendation owner and has the authority to file the transfer.

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: Injury to other rights should not occur. The only other right that exist between the existing POD and the proposed POD is a right carved out of the parent at the same time as this right.

Enlargement of Use: The applicant does not propose to enlarge the use.

Local Public Interest: There are no obvious public interest issues. There is no change to the use of the public resource from the use of the underlying parent right.

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

No additional information is required from the applicant or other sources
The data entry affected the correct record which is the SRBA recommendation.

As of this date, the SRBA status is that the recommendation is uncontested and has not yet been partially decreed.

There are no overlapping points of diversion or rights with the same place of use.

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.