

MEMORANDUM

Date: July 22, 2008
To: Transfer 74857 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes modifying two decreed domestic and stock water rights, 36-10267 and 36-10268, that provide water for a home site and dairy operation located on property approximately 1.4 – 1.5 miles north and 2.75 – 3.0 miles west of the center of Wendell. The application proposes describing two existing wells on the property for each of the rights. Up to 0.17 cfs and 29.2 afa of water is proposed to be diverted and used at the home site and dairy operation. Each right has been decreed with standard conditions (N11 and N13) indicating that the rights are not a determination of historical beneficial use and the diversion is limited to 13,000 gpd. Note that the decreed rights do not have any condition limiting them when combined. The idea of the transfer is that each of the rights potentially allow for the diversion of up to 13,000 gpd, and 14.6 afa (13,000 gpd for 365 days), and that the total potentially allowed diversion would be the sum of the two rights (26,000 gpd and 29.2 afa). Administration in the state office has weighed in on this concept and indicated that the IDWR interpretation of 42-111, IDAHO CODE, does not allow for stacking/combined uses of domestic rights. The area associated with the transfer is located within water district 130 and within the ESPA.

- **Authority to File:**
The applicants are listed as the current owners of the rights being transferred according to IDWR records.
- **Water Right Validity:**
The rights involved with the transfer have been decreed in the SRBA court as valid rights.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.

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.