

MEMORANDUM

TO: Transfer No. 73921 File

FROM: Kay Walker

DATE: June 10, 2008

RE: Evaluation of Sufficiency of Information Submitted

This transfer proposes to revert decreed water rights back to the way originally licensed. License 61-7203 was issued in July of 1993; Transfer No. 4328 was then filed and approved in July of 1994; the SRBA updated the recommendations for Rt. 61-7203 to accommodate the approved transfer and decrees were issued on October 26, 2000, for Rts. 61-7203A and 61-7203B. On June 29, 2001, the approval of Transfer No. 4328 was rescinded by preliminary order which stated that Rts. 61-7203A and 61-7203B were rejoined into Rt. 61-7203 as licensed. In January of 2007, the Department was contacted by Steve Reynolds requesting information regarding the status of Rt. 61-7203 as he was considering selling some of the land under the rights and due to the transfer approval the conditions of approval on overlapping water rights did not make sense anymore. Due to Mr. Reynolds inquiry I discussed this matter with Nick Spencer, AG for IDWR, and it was determined that even though the transfer approval had been rescinded by order the rights were appurtenant to the lands as decreed and the only way to resolve the problem was for the right holder to file a transfer to recombine the splits into one right and then it could be described, exactly as licensed, once the transfer was processed and conditions on accompanying rights would then be accurate and easier to administer if necessary.

The site is located northeast of the Snake River Birds of Prey Area and south of South Cinder Butte Road in Elmore County.

Contact person for this application is the applicants themselves or Steve Reynolds, father of Jason Reynolds, at 580-2872. Pursuant to phone conversation with Steve Reynolds this morning (June 3, 2008) to verify who the contact person was for this application and he stated that although employees of SPF had assisted in preparing the transfer application, they were actually working for Elk Creek Canyon LLC and not the Reynolds family.

Deviations from Transfer Policy Standards

This application will recombine a licensed right pursuant to paragraph one of this memo. The splits removed a permissible place of use (ppu) from the right and the transfer application, if approved, will reinstall the ppu to this right.

Summary of Information Submitted

Authority to File: Applicants have submitted a copy of deed showing they are current owners of property that water was licensed on. Current owner of property that water is currently appurtenant to (Elk Creek Canyon, LLC) have submitted a notarized statement which supports the transfer of this right. We have also received a notarized statement from Northwest Farm Credit Services which supports the action of the applicants to transfer this right.

Water Right Validity:

Rights presumed to be valid. Rights were decreed more than 5 years ago but beneficial use was confirmed in most recent 5 years by *2004 aerial photography*. See layouts attached.

Injury to Other Water Rights: Injury should not occur. Applicants and current property owners are in agreement that these rights should revert back to way originally licensed.

Enlargement of Use: An enlargement will not occur with appropriate transfer approval conditions.

Local Public Interest: The local public interest is served by allowing the applicant to transfer decreed splits back to original licensed area as described in Preliminary Order dated June 29, 2001. Current property owners have agreed to transfer as shown on attachment to transfer application.

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

Overlapping right at proposed place of use will be Rt. 61-7399 which was identified as an overlap prior to Transfer 4328 approval. The transfer was later rescinded and Rts. 61-7203A and 61-7203B were to be rejoined as water right 61-7203 as defined in the license of said right.

Summary

This application would allow Rights 61-7203A and 61-7203B to be rejoined as water right 61-7203 as defined in license issued July 12, 1993, and Ordered in Preliminary Order Rescinding Transfer 4328 issued June 29, 2001.

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected as licensed under Right No. 61-7203.

Transfer should not allow development of a new well if approved. License was issued for use of two existing wells and transfer application does not request an additional well.

2004 Imagery



Legend

- 61-7203A
- 61-7203Apd

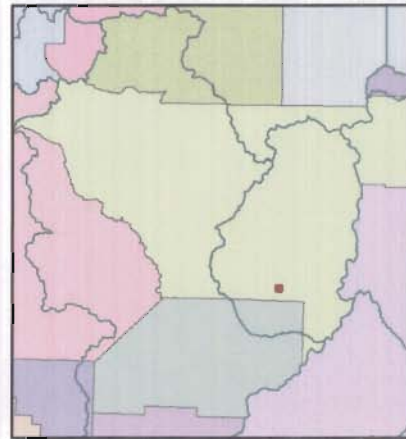


Idaho Department of Water Resources

Water Right
61-7203B
(IRRIGATION)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots



Elmore County
IDWR Basin 61

Prepared by Zach Maillard
On Monday, June 09, 2008
2004 Aerial Photography



Owner: Carl F Reynolds & Sons
NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.