

MEMORANDUM

TO: Transfer No. 74652

FROM: Kay Walker

DATE: April 7, 2008

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to move 2 acres recommended on BLM land to 2 acres of private land in order to resolve an objection in the SRBA.

The site is located on the west side of the Snake River, south of Walter's Ferry.

Contact person for this application is applicant's attorney, Margaret Lezamiz, of John Schroder's law office. Phone number is (208)384-1627, ext. #3.

Deviations from Transfer Policy Standards

The application form was originally submitted without all information being supplied. In discussion with applicant's attorney the application was resubmitted with deeds showing the applicant's as current owners of the property. There were also questions concerning the original map and form. The application was amended to satisfy all requirements by having the applicant's initial front page of amended application form. Notarized signatures for the applicant's are attached on original form.

Summary of Information Submitted

Authority to File: Deeds have been provided showing applicant's each own a share in entire property.

Water Right Validity: Right presumed to be valid based on the pending SRBA recommendation. The SRBA objection period is over and an objection was filed by BLM because the recommendation contained 2 acres under BLM ownership.

Injury to Other Water Rights: Injury should not occur. Property has previously been irrigated with exception of 2 new acres located in Gov. Lot 4, next to river.

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

Local Public Interest: Local public interest is served by allowing property owner to move the 2 acres from public land to private land.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use 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

Other important requested comments include withdrawal of BLM objection due to removal of property from public lands.

Discussion

Data entry affected the correct record, the SRBA recommendation. The recommendation was objected to by BLM since it contained 2 acres of public land. This transfer will provide mechanism to move the 2 acres off of public land and resolve objection.

The recommendation has a condition limiting Rights 02-2027A, 57-4042, 57-10245 and this recommendation to 116 acres when combined. Rights 57-4042 and 57-10245 are decreed rights for domestic uses from ground water sources. I see no need to limit the irrigation rights from the Snake River with the domestic rights and recommend we do not carry the domestic rights forward in the conditioning of this transfer.

Right 02-2027A is also diverted from the same point of diversion as this recommendation. Right 02-2027A and this right should be limited to 1.71 cfs and the irrigation of 116 acres when combined, as done on SRBA recommendation.

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.