

MEMORANDUM

TO: Transfer No. 73926

FROM: Kay Walker

DATE: March 4, 2008

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to add a point of diversion to a portion of existing water right recommended to SRBA Court, without objections.

The site is approximately 1½ miles south of Lake Lowell.

Contact person for the applicant is David Russell as described below.

Deviations from Transfer Policy Standards

The applicant for this transfer is Arnold Van Berkel, c/o David Russell. Mr. Van Berkel signed the application form; however, the fees were submitted by Mr. Russell. The SRBA recommendation was submitted to the court in this manner, the Trustees Deed is recorded in this manner, along with tax notices from Canyon County. I do not see any reason to question Mr. Russells authority to represent Mr. Van Berkel in this process.

The original claim (63-32138) had been split by SRBA after this transfer was filed but before the transfer was being processed. The portion of Van Berkels right was reduced due to the split of 63-32138. Review based on applicants remaining portion of right.

Summary of Information Submitted

Authority to File: This right is in the name of the transfer applicant. The applicant has the authority to change this right.

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 should not occur since this land has been irrigated under this right since 1967 from a different well. Since applicant purchased land access to the well originally used has been denied.

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

Local Public Interest: The local public interest is served by allowing the property owner to develop his own well on land previously irrigated under a 1967 water right.

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.

Discussion

Data entry affects the correct record which is a valid recommendation pending decree at the SRBA Court. No objections to this recommendation have been submitted.

Overlapping rights at existing &/or proposed P/U: Review of our records revealed there are no overlapping water rights for the place of use and/or points of diversion.

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 should be used on approval since a new well is proposed. Review of well construction records and phone conversation with David Russell indicated no new well activity since land was obtained by Mr. Van Berkel.