

MEMORANDUM

TO: Transfer No. 73891 File

FROM: Angela Grimm

DATE: April 28, 2008

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to establish a permissible place of use by changing the place of use for decreed right 63-4983 to allow for irrigation of 70 acres within the 112 acre Sundance Subdivision.

The place of use, Sundance Subdivision, is located on the northeast corner of the intersection of Ustick Rd and Meridian Rd just north of Meridian.

Contact person for the applicant is Scott King, SPF Water Engineering.

Summary of Information Submitted

Authority to File: The right is in the transfer applicant's name per accomplished change of ownership. The applicant also submitted a warranty deed documenting ownership of the additional acres to be added to the place of use. The applicant has authority to change their right.

Water Right Validity: The right is valid based on the partial decree issued February 16, 2007.

Injury to Other Water Rights: Injury should not occur under this proposal. There will be no change in the amount of acres irrigated, point of diversion, or water used.

Enlargement of Use: The applicant does not propose to enlarge the use. The applicant proposes to establish a permissible place of use for this right to allow for irrigation of 70 acres within the 112 acre subdivision. The diversion rate, annual diversion volume and number of acres authorized for irrigation will not increase. The right will remain supplemental to appurtenant surface water rights for irrigation.

Local Public Interest: The local public interest is served by allowing for supplemental irrigation of acres inside the subdivision that are available for irrigation versus those acres within the current place of use which are not.

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

The right affected, 63-4983, is conditioned that use of this right is combined with water from Nampa Meridian Irrigation District and Settlers Irrigation District, as the transfer application indicates. Overlap analysis conducted, based on internal research, indicates the proposed place of use has one supplemental ground water right 63-8513 and two additional surface water rights 63-124F and 63-198A currently in the name of the previous land owner David N. Bayless. A letter submitted by the consultant January 27, 2006 along with purchase agreement for the additional acres indicates the owner of 63-8513 withheld the right from the sale and intends to sell it. The transfer application material initially submitted makes no mention of the additional surface water rights 63-124F and 63-198A. I requested additional information regarding these rights via a phone conversation with the applicant's consultant, Scott King. Scott King came into the office 3/4/08 and verified all of 63-124F and a large portion of 63-198A due in fact overlap the proposed place of use. The application was amended to include these rights in Part 2 item no. 9. He also indicated he will inform the current owner, Sundance Limited Co LLC, that a change of ownership must be filed for each right. Department records also indicate there is one other overlapping water right for the proposed place of use, 63-2101. This right was licensed in 1910, but was not claimed in the SRBA. Therefore, it will no longer be a valid right.

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.