

## MEMORANDUM

TO: Transfer No. 73792 thru 73800 & 74714 File

FROM: Angela Grimm

DATE: April 15, 2008

RE: Evaluation of Sufficiency of Information Submitted

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These transfers propose a new point of diversion on each lot to supply water for irrigation within the Meadow Vista Ranch and the Englund parcel, as it is referred to in the applications. Adjudication rights 63-2879 and 63-7825B (Scott and/or Theresa Englund) were split in the Adjudication prior to and in order to aid in transfer processing. The adjudication rights 63-2879 and 63-7825B were split for each lot's portion of the existing P/U.

The subdivision resulting from subdividing the Englund property is known as the Meadow Vista Ranch generally located just north of Deer Flat Rd off the east side of Farner Rd southwest of Nampa. The following transfer applications provide for a new P/D and irrigation of the respective P/Us:

- App 73792 = Lot 1 Blk 1 Meadow Vista Ranch
- App 73793 = Lot 2 Blk 1 Meadow Vista Ranch
- App 73794 = Lot 3 Blk 1 Meadow Vista Ranch
- App 73795 = Lot 4 Blk 1 Meadow Vista Ranch
- App 73796 = Englund Parcel
- App 74714 = Lot 5 Blk 1 Meadow Vista Ranch
- App 73798 = Lot 6 Blk 1 Meadow Vista Ranch
- App 73799 = Lot 7 Blk 1 Meadow Vista Ranch
- App 73800 = Lot 8 Blk 1 Meadow Vista Ranch

The remainder of the water right system of parent rights 63-2879 and 63-7825B, 63-33010 and 63-33020 respectively, will be put in the water supply bank per application remarks.

**Contact person for this applicant is Roxanne Brown at SPF Water Engineering.**

### **Summary of Information Submitted**

**Authority to File:** The applicant is the current owner on record for all rights proposed for transfer. Additionally, the applicant supplied warranty deeds with the transfer applications reconfirming ownership of the P/U proposed in the transfers. The applicant has the authority to change their own rights.

**Water Right Validity:** The rights are presumed to be valid based on the pending SRBA recommendations. The SRBA objection period is over and objections were not filed.

**Injury to Other Water Rights:** No injury should occur provided use of the wells does not interfere with nearby existing wells. According to well log data on file with the Department and the transfer applications, the proposed P/Ds will be within 0.5 miles of the existing P/Ds under parent rights 63-2879 and 63-7825B. The P/D for right 63-7825B was drilled for Walter Russell 10/12/73 and deepened 7/16/90. Water right records indicate the P/D under parent right 63-2879 is completed in the same aquifer production zone as 63-7825B. The nearest well to the proposed P/Ds, aside from the parent rights' P/Ds, is a deep domestic well within 0.5 miles. In the area, there are two ground water production zones a shallower system and a deeper system. Ground water level data indicates water levels in each production zone have been stable for the past 10+ years. Currently, there are no ground water level concerns in this area. It is unlikely the proposed P/Ds will significantly impact the ground water supply for other water rights in this area.

**Enlargement of Use:** The applicant does not propose to enlarge the use. Standards call for the installation of measuring devices when the transfer authorizes one or more changes to the diversion or use of ground water as these applications do. However, the rights for each parcel allow for 0.10 cfs and 5 acres of irrigation, a use which does not require installation of a measuring device.

**Local Public Interest:** Allowing each individual lot owner to use their own P/D approximately 0.5 miles from previous ground water P/Ds in any area with no known ground water supply concerns for agricultural/irrigation purposes serves the local public interest.

**Beneficial Use/Conservation of Water Resources:** The applications propose beneficial use(s) consistent with conservation of water resources in Idaho.

**Review of the applications finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the applications.**

### **Discussion**

There are no overlapping water right records for the P/U or P/Ds. The water rights involved are primary ground water irrigation rights. Each subdivision lot will have irrigation water rights for 5 acres. The Englund parcel, transfer application 73796, is a significantly smaller lot where irrigation of only 0.5 acres will be permitted, pending transfer approval. The remaining portions of the parent rights, 63-33010 and 63-33020, will be placed in the water supply bank per applicant's remarks on the transfer applications. See review memo Attachment 1 for detailed information on how the parent water rights were split prior to transfer processing.

Transfer no. 73796 for the “Englund parcel” proposes a new well to irrigate 0.5 acres of property. Transfer Memo No. 24 states a transfer proposing a change to a water right for irrigation of less than one acre is not approvable unless the applicant provides a verification procedure approved by the director that can be administered to prevent injury or enlargement. As a result of this transfer, withdrawal from the original P/D will be decreased and replaced by withdrawal from the new P/D within 0.5 miles of the existing P/D in an area of no known ground water concerns. The transfer proposes no increase in or change to the P/U irrigated. Additionally, information provided above demonstrates it is unlikely there will be injury or enlargement in this instance. Therefore, processing of transfer no. 73796 is allowable without an approved verification procedure.

The transfer applications do not propose a change in ownership. The transfers propose generation of: two water rights comprising on system for irrigation of lots 1 thru 8 of Meadow Vista Ranch, one water right for irrigation of the Englund parcel, and two water rights that are the remaining parent right portions after being split. All water rights generated through processing of the transfers will be in the name of current water right owners Scott and/or Theresa Englund.

Due to data entry error, transfer application number 73797 was terminated and replaced with transfer application number 74714.

### **Summary**

Assuming protests are not filed and/or other information does not contradict the above analysis, the applications can be approved as reflected by the draft approvals.