

MEMORANDUM

TO: Transfer No. 73781 File

FROM: Cynthia Bridge Clark

DATE: May 6, 2008

RE: Evaluation of Sufficiency of Information Submitted

This transfer proposes to change the place of use and point of diversion of water right no. 63-32398 to the applicant's lands for irrigation purposes. The referenced water right was split from parent right 63-7194 ("Mellin right"). The parent water right number was referenced on the transfer application. However, it has since been split several times in accordance with ownership verification documents. See attached split tree generated during the review of claims filed in the Snake River Basin Adjudication (SRBA).

The original place of use is located near Melba, Idaho. The new place of use and point of diversion are located between Star and Middleton.

The contact person for the applicants is Scott King with SPF Water Engineering, LLC (208-383-4140).

Summary of Information Submitted

Authority to File: SRBA recommendation no. 63-32398 is in the name of the transfer applicants per an accomplished split of the Mellin water right (parent right 63-7194). The applicants have the authority to file this transfer application. Additionally, based on information provided with the application and taxlot information available to the Idaho Department of Water Resources (department) at the time of this review, the applicants appear to own the place of use to which the right will be transferred.

Water Right Validity: This right is presumed to be valid based on the pending Snake River Basin Adjudication (SRBA) recommendation. The SRBA objection period is over and objections were not filed.

Injury to Other Water Rights: The parent right and the proposed new minor use are both located in the portion of administrative Basin 63 downstream from Star Bridge that is open to new uses. In accordance with existing department policies and regional office knowledge of the local situation, there are no identified restricted areas or known areas of ground water problems, conflicts or prior protests. Based on this information, the proposed change in location is presumed to involve the same "regional aquifer" within which injury is not expected.

Enlargement of Use: The transfer does not propose an increase in acres irrigated, diversion rate or annual volume.

Local Public Interest: There was no information available at the time of this review to suggest this transfer is not in the local public interest.

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

This transfer was filed during the summer of 2005 but was held based on a transfer processing hold associated with SRBA work efforts. As described earlier, the transfer application was filed to change a portion of parent water right no. 63-7194. The right was split through the SRBA prior to staff review of the transfer application.

As identified in the transfer application, the new point of diversion is an existing well drilled in 1994. A non-domestic well upgrade fee of \$165.00 was paid with the transfer application fee. The proposed point of diversion is downstream of the Star Bridge. Therefore, the change in use is consistent with current guidelines for processing applications for permit for new consumptive uses in the Lower Boise River Basin (Amended Application Processing No. 59).

Watermaster comments: Not applicable for this application.

Overlapping rights: A place of use (POU) overlap shows no overlapping water rights at the original POU. As noted in the application, SRBA recommendation 63-31028 is diverted from the same well as the proposed use. The right authorizes domestic use, including 0.5 acres of irrigation, at the proposed POU. The transfer proposes to provide for irrigation of an additional two (2) acres.

Additional Information: Additional information was not requested at the time of this review. The applicant's current address was confirmed by Scott King, the contact designated by the applicant.

Summary

Assuming other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 is not applicable since a new well(s) is not proposed.

RIGHTS HAVE BEEN SPLIT AND ARE NO LONGER ACTIVE

63-7194
MELLIN PROPERTIES
2.38 CFS/142.5 AC/642 AF

83-32083
MELLIN PROPERTIES
2.35 CFS/140.9 AC/634.8 AF

63-32094
LDS CHURCH
0.03 CFS/1.6 AC/7.2 AF

63-32396
MELLIN PROPERTIES
2.08 CFS/123.6 AC/556.2 AF

63-32397
TUSCANY
DEVELOPMENT
0.05 CFS/2.8 AC/12.6 AF

63-32398
COHEN-MUELLER
TRANSFER NO. 73781
0.03 CFS/2.0 AC/12.6 AF

63-32399
DUESMAN
TRANSFER NO. 73785
0.05 CFS/3.0 AC/13.5 AF

63-32400
LYNN
0.13 CFS/8.0 AC/36 AF

63-32401
EAGLE PRECAST
0.03 CFS/1.5 AC/6.75 AF

63-32653
MELLIN PROPERTIES
1.51 CFS/90.6 AC/407.7 AF

63-32654
CHOUTCHOUROU
0.5 CFS/30 AC/135 AF

63-32655
MIKELSON
0.03 CFS/2.0 AC/9.0 AF

63-32656
BLANDFORD
TRANSFER NO. 73766
0.02 CFS/1.0 AC/4.5 AF

63-32677
PARAMOUNT LLC
0.05 CFS/3.0 AC/13.5 AF

63-32774
LYNN
0.11 CFS/7.0 AC/31.5 AF

63-32775
LYNN
TRANSFER NO. 73821
0.02 CFS/1.0 AC/4.5 AF

63-32876
MELLIN PROPERTIES
1.46 CFS/87.6 AC/394.2 AF

63-32877
PEREGRINE
TRANSFER NO. 74360
0.08 CFS/5.0 AC/22.5 AF

63-32893
MELLIN PROPERTIES
1.38 CFS/82.6 AC/371.7 AF

63-32894
PEREGRINE
TRANSFER NO. 74360
0.08 CFS/5.0 AC/22.5 AF

83-XXXX
MARTZ
TRANSFER NO. 73823
0.08 CFS/4.0 AC/18.0 AF

63-XXXX
BARKER
TRANSFER NO. 74083
0.05 CFS/3.0 AC/13.5 AF

63-XXXX
HALLADAY
TRANSFER NO. 74580
0.08 CFS/5.0 AC/22.5 AF

63-XXXX
WILLIAMSON
TRANSFER NO. 74600
0.03 CFS/2.0 AC/9.0 AF

**ATTACHMENT
TRANSFER NO. 73781
REVIEW MEMO**