

MEMORANDUM

TO: Transfer No. 73766 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. 63-32656 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 northeast of Notus and west of the highway 30.

The contact person for the applicant is Steven Hannula with ERO Resources Corp. (208-373-7983).

Summary of Information Submitted

Authority to File: SRBA recommendation no. 63-32656 is in the name of the transfer applicant per an accomplished split of the Mellin water right (parent right 63-7194). A Contract for Sale of the Water Right and Grant Deed were also provided to document the sale of the identified portion of the parent right to the transfer applicants. The original application, filed on July 11, 2005, was signed only by Marci Blandford. Since the Grant Deed identified Marci AND Jason Blandford as the Grantees, an additional transfer application signature page with Jason Blandford's signature was filed on April 3, 2008 (see Additional Information in Discussion section below).

Additionally, the applicants own the place of use to which the right will be transferred based on information provided with the transfer application and county taxlot information available to the Idaho Department of Water Resources (department) at the time of this review.

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 the Special Master's Recommendation was issued at the time of this review.

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. I was unable to locate a well driller’s report for the well to establish the date of drilling. However, a non-domestic upgrade fee of \$125.00 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 or new POU. The applicant indicated on the application that the new place of use is within the Black Canyon Irrigation District but no shares are available for the property.

Additional Information: The applicant’s current address was confirmed by Steve Hannula, the contact designated by the applicant on the transfer application. Both the Warranty Deed for the new place of use and the Grant Deed generated for the water right sale identify Jason and Marci Blandford as the grantees. Since only Marci Blandford signed the original transfer application, the department requested a signature from Jason Blandford as well. Additionally, the description of the portion of the right being transferred under Part 2 and the map provided with the application misidentified the location of the original place of use. Upon request by the department, Mr. Hannula and the applicants provided corrected pages to amend the application.

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.

ADJUDICATION CLAIMS SPLIT TREE FOR MELLIN PROPERTIES (PARENT WATER RIGHT NO. 63-7194)

