

MEMORANDUM

TO: Transfer No. 73804 File

FROM: Vicky Music

DATE: March 17, 2008

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the legal descriptions of the two points of diversion for Water Right Nos. 61-11997, 61-11999, 61-12001 and 61-12003. The PODs are currently described to the 10-acre parcel. The rights had one ground water POD located in the NESWSE. Transfer 72354, approved in December 2005, added a ground water point of diversion in the SESWSE which was subsequently drilled in the NESWSE.

The transfer seeks to describe both PODs as being in the SWSE Section 35, T4S, R6E.

The site is located in rural Elmore County on Beet Dump Rd, 1 mile east of Highway 51.

Contact person for the applicant is consultant, Steve Hannula, ERO Resources Corp.

Deviations from Transfer Policy Standards

On the application in Part 1, the transfer lists the purpose as changing the PODs. One of the wells is listed as proposed. At the time the transfer application was submitted on 4/6/07, the information was correct because the well approved under the previous transfer no. 72354 had not yet been drilled. The well was completed on 4/2007.

The applicant seeks the flexibility to list the PODs to the QQ, similar to other dairy scenarios such as Broken Arrow T73771. ArcMap confirms there are no nearby wells owned by other people who might be adversely impacted by that flexibility. [See topo map attached to this memo] A database comment will be added that states that both wells are in the NESWSE and ArcMap will confirm the QQ locations.

The application form that was submitted is not an IDWR form. It appears to have been generated by ERO. A Part 2 page is provided for each of the four water right nos. that is being transferred but the Part 2 page omits numbered items 1 –8 and begins with item no. 9.

Item nos. 1 – 8 describes the existing water rights and the evidence for the rights. All of this information is available in IDWR records and so the omission should not delay any further the processing of the transfer.

The Part 3 page requesting a map is also missing from the application. However, a map was provided by ERO and is Attachment B, and so the application requirement for a map is satisfied.

Summary of Information Submitted

Authority to File: The applicant is the owner of the water right according to IDWR records.

Water Right Validity: The right is presumed to be valid based on 2006 aerial photography. The 2006 aerial shows commercial use on the property.

Injury to Other Water Rights: Injury should not occur because this transfer only seeks to clarify the QQ legal description in which the wells are located.

Enlargement of Use: The transfer does not propose an enlargement of the use.

Local Public Interest: There are no obvious reasons that indicate the proposed 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.

Additional Information, Analysis and Discussion

No additional information is required from the applicant nor is additional IDWR analysis needed.

Watermaster comments - n/a

Parent right 61-7017 was decreed by the SRBA Court in 2000.

All overlapping rights are included in this transfer.

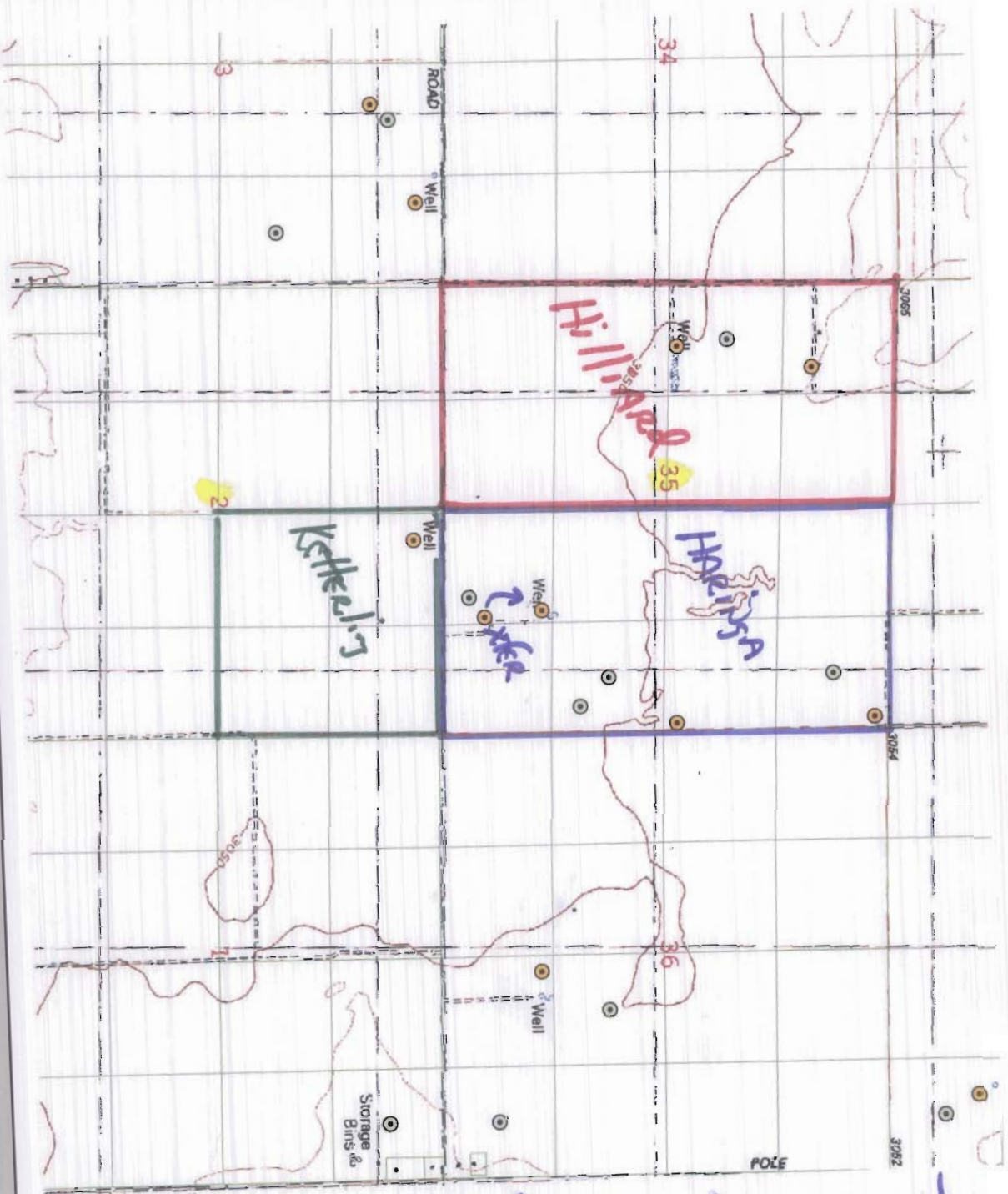
Summary

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 n/a since a new well(s) is not proposed.

Legal notice is not warranted per the Western Regional Manager.

WELLS



Unknown Units: View1

- Hareira T. 73804

will correct old
boundary from
SE TUSE, move it up
by old TOWN in
upper right corner of area

- Should not impact
Ketterling, closest well
owned by someone else

- ☒ Wells
- ☐ Active Right POD
- ☐ Elmore taxlots
- ☒ Active Recommendation POD
- ☐ GCDB05S06E GCDB
- ☐ GCDB04S06E GCDB



3/23/08