

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 2/12/2008

RE: WADE D. AND/OR NICKI P. PALMER TRANSFER NUMBER 73836

The transfer proposes to change the point of diversion from its original location in the Lot 1 (NENE) Section 3, T1N R2W at the corner of Bowmont and South Powerline and move it to an existing well owned by the applicant in Lot 9 Block 2 of Diamond Ridge Subdivision. The place of use will remain at Lot 9 Block 2 of Diamond Ridge Subdivision. The Diamond Ridge Subdivision is ½ mile southeast of Bowmont Highway 45.

AUTHORITY TO FILE:

The applicant is the owner of record for this water right. The applicant also supplied a warranty deed to prove ownership of the property.

WATER RIGHT VALIDITY:

Michael Ciscell has recommended this right to the Snake River Basin Adjudication (SRBA) court, and no objections were received on that recommendation. Therefore the validity of the right should not be an issue.

INJURY TO OTHER WATER RIGHTS:

The original right has been considered a valid irrigation right by our SRBA staff. The water right will continue to irrigate the same ground; therefore, no injury is anticipated.

ENLARGEMENT OF USE:

This application requests to change the point of diversion. No enlargement proposed.

LOCAL PUBLIC INTEREST:

This property has already been split through the county process, so no public interest issues are anticipated.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

Applicant proposed beneficial use consistent with department standards for the area.

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

NARATIVE

The rights for this transfer have been split after the transfer was filed. The current water rights for this transfer are 63-32506 and 63-32508. This was changed in the data base, but wasn't changed on the original application. I also carried over the annual volume limits, which were not placed on the transfer. When combined they are limited to 9 acre feet, and each right is also for 9 acre feet. Water right 63-32506 has a season of use of 3/1 to 11/15. This was incorrectly recorded on the application, but I corrected it in the data entry. There was no need to correct these errors on the application, since all of the water rights were transferred; there was no question as to the amounts and seasons of use.

The Palmers have filed this transfer to move the point of diversion for this water right to an existing domestic well. The well has already been drilled and the well upgrade fee has been paid. There have already been several other transfers on this right, and this one should be similar to the others.

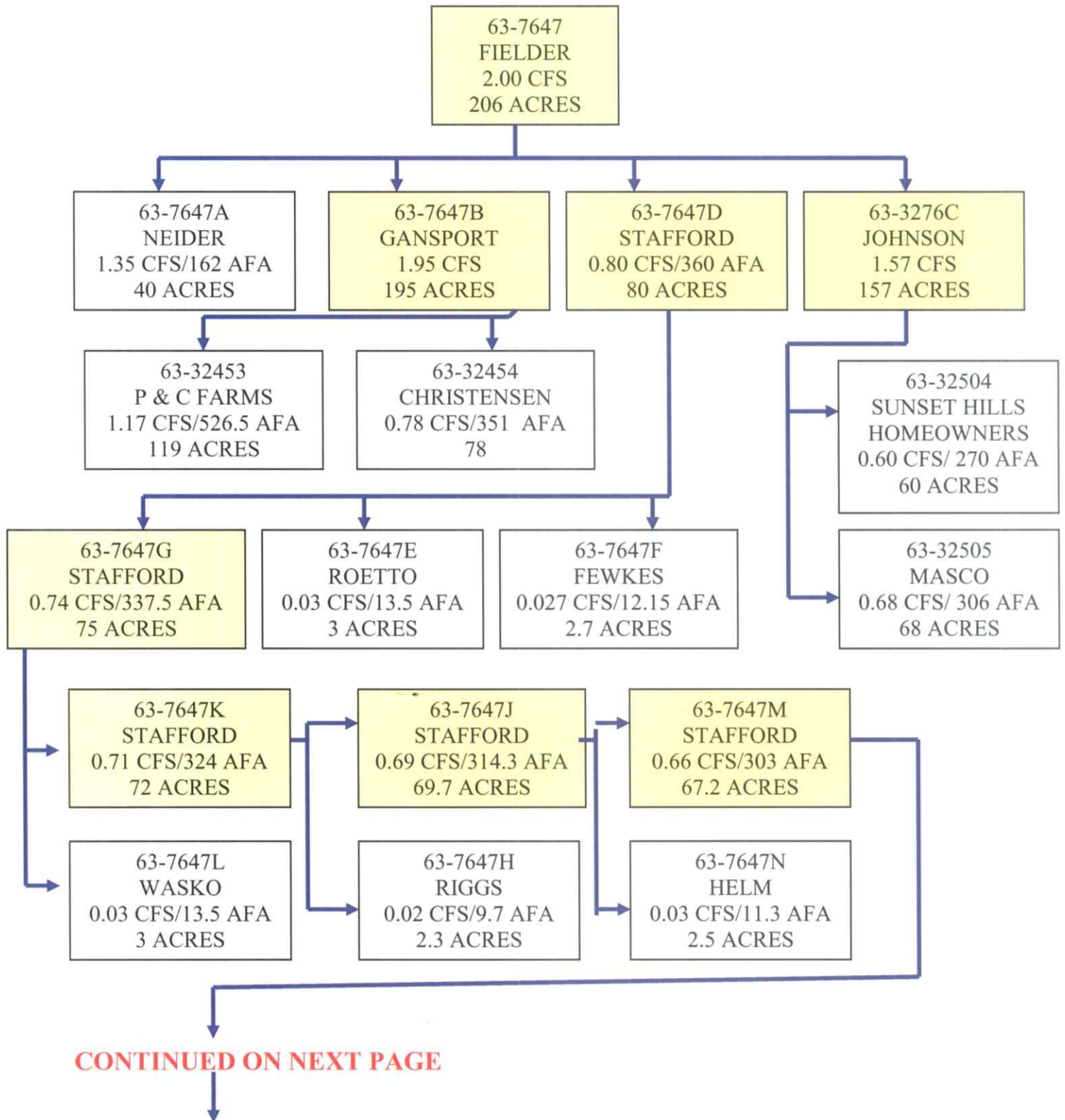
The main concern I had with this transfer is an overlapping water right owned by Boise Kuna Irrigation District. I called the applicant and discovered that they do not own any Boise Kuna Irrigation District shares. This seems reasonable since the property sits on a hill that could not receive water from a gravity fed canal system.

This water right is still in the Snake River Basin Adjudication (SRBA) process, so there should not be any forfeiture issues.

CONDITIONS AND SUGGESTIONS

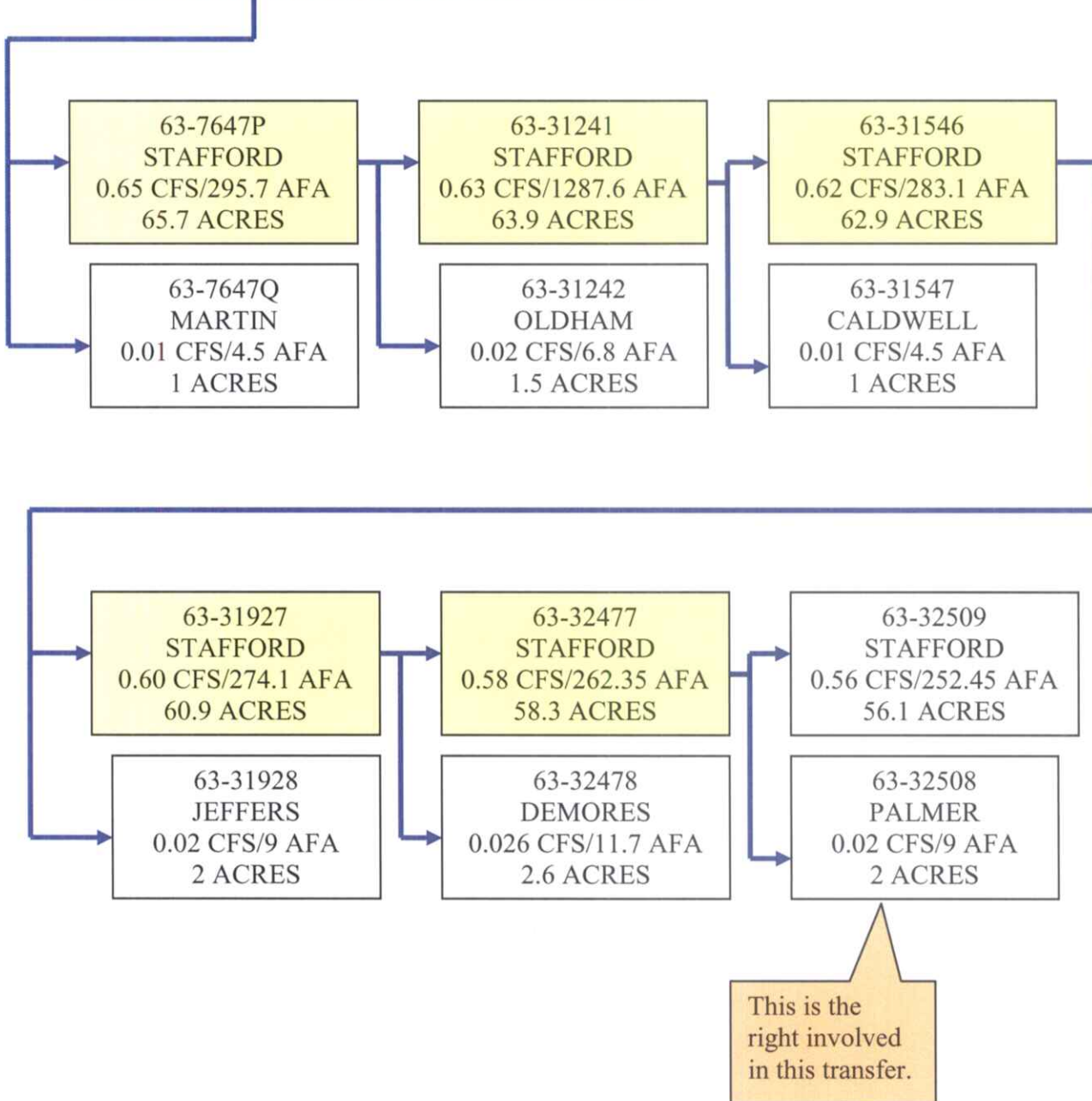
Unless this transfer is protested, this proposal seems to be approvable with the inclusion of the conditions on the draft approval.

SPLIT TREE FOR WATER RIGHT 63-3276

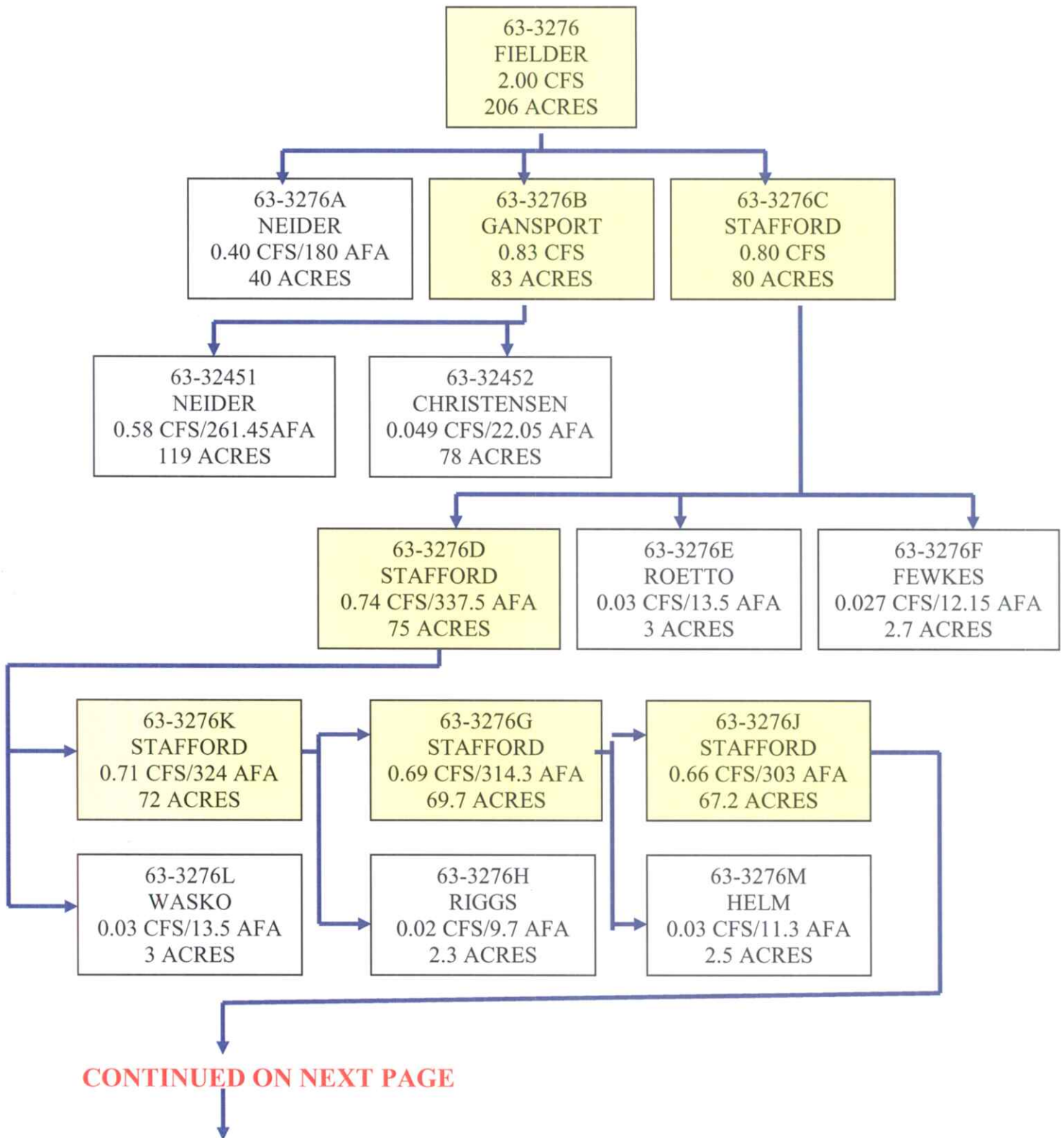




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