

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 10/9/2007

RE: LAND ASSOCIATES LLC TRANSFER NUMBER 73958

The transfer proposes to change the point of diversion to an existing domestic well on the property owned by the applicant in Lot 1 Block 1 of Spiker Subdivision more accurately described as the NWSESW S30 T5N R2E. The original point of diversion is located 2/5 of a mile north and ¼ mile east of Dry Creek Road and Broken Horn Road, also described as the SESESW S30 T5N R2E. The irrigation will remain at the same general location in Lot 1 of Block 1 of Spiker Subdivision also described as the SESW S30 T5N R2E, Ada County.

AUTHORITY TO FILE:

The applicant has supplied a warranty deed that shows ownership of the property and the appurtenant water rights. The applicant is already the owner of record, therefore authority to file on their portion of the water right should not be an issue.

WATER RIGHT VALIDITY:

A Snake River Basin Adjudication (SRBA) partial decree was issued on this right on 2/16/2007. Validity of the right should not be an issue.

INJURY TO OTHER WATER RIGHTS:

This property has been irrigated for several years. The only change to the right will be changing the point of diversion to existing domestic well owned by the applicant in the same general location. The place of use will not change. Injury is not anticipated.

ENLARGEMENT OF USE:

These application only requests to change the point of diversion and the place of use will remain the same. 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

A transfer was originally filed on this right in 2005 by Roger Spiker and Gregory Land and Development under transfer number 73957. Transfer number 73957 was held until 9/14/2007 to focus employee assets on the Snake River Basin Adjudication (SRBA). During this period between the filing of transfer 73957 and the beginning of processing, the property had been sold, and two transfers had already been filed on the same properties. Transfer 73957 was not properly prepared, and the overlapping transfers brought the applicants of the original transfer to withdraw their transfer. Please see department records concerning the withdrawal of transfer 73957.

This transfer, transfer number 73958, was one of the two transfers that were filed during the period from 2005 to 2007. There have also been a couple of changes of ownership filed on the original water right, including a change of ownership on the applicants portion that put the water right into their name. The applicant has purchased Lot one of the original 6 lots. The place of use will remain on this lot.

There is a great deal of discrepancy between the department mapping tools in this area. The tax lot data, aerial photography, and 40 acre tract lines don't match each other or the survey map supplied by the applicant. Therefore, I have done my best to draw the place of use on the maps provided. There could be a slight variance in the shape files I created, but we will not be able to fix this area until the department receives better mapping tools in this area. If the department receives those tools, we should be able to make a more accurate shape file of this place of use.

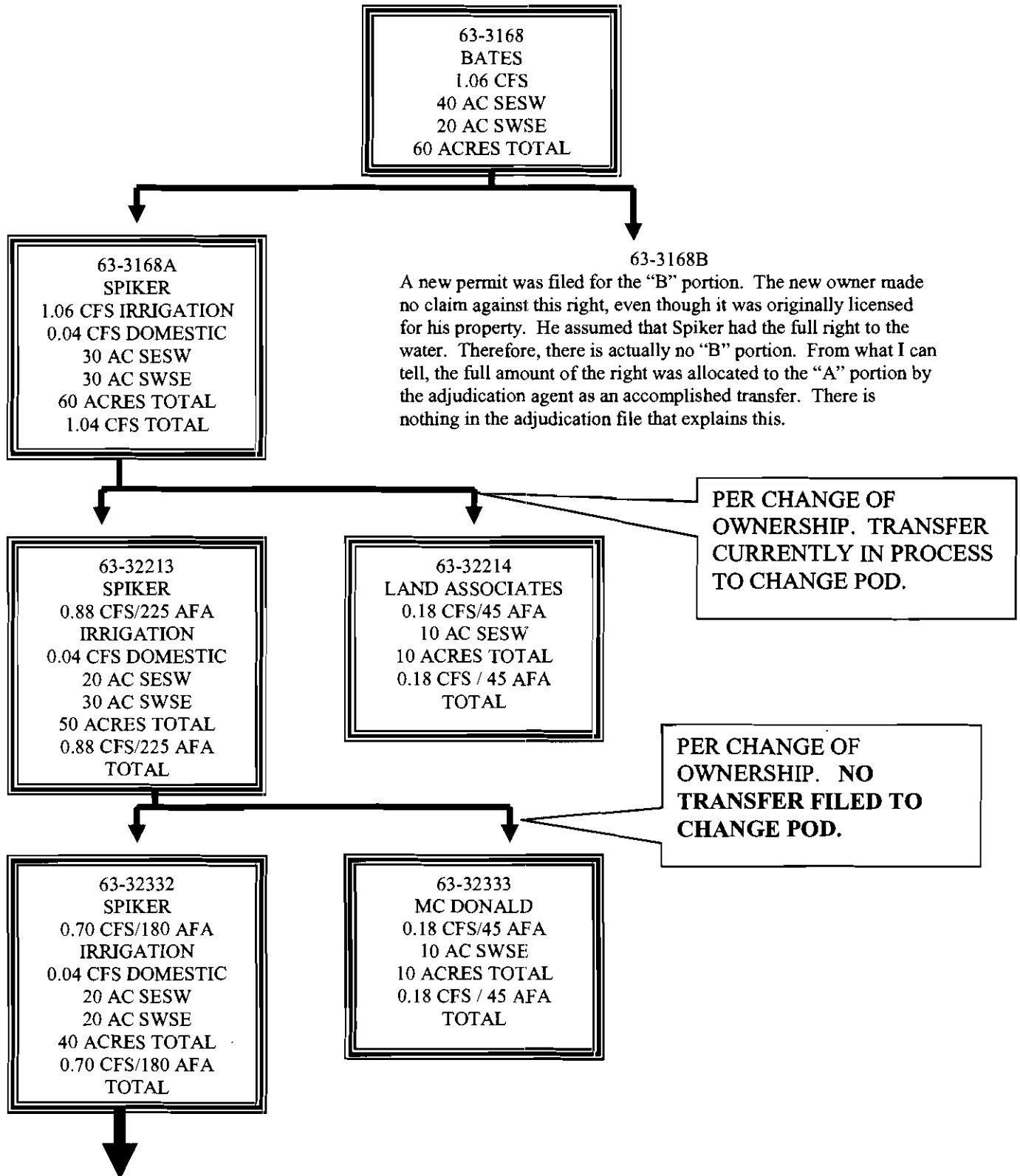
There are overlapping water rights for this area. However none of these overlapping rights are for the same property. The point of diversion was shared at one time, but none of the new owners have shared the well since the ground was subdivided.

The signature on the application is unrecognizable, and there was no title included with the signature. However, the 2006 Secretary of State Annual Report for this corporation has a similar signature for Ron Walsh who is the Managing Member of the corporation. I have contacted the representative for the applicant, Scott King of SPF Engineering, to confirm this information.

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 63-3168



SEE NEXT PAGE

FROM PREVIOUS PAGE

PER CHANGE OF
OWNERSHIP. NO
TRANSFER FILED TO
CHANGE POD.

63-32338
SPIKER
0.52 CFS/135 AFA
IRRIGATION
0.04 CFS DOMESTIC
20 AC SESW
10 AC SWSE
30 ACRES TOTAL
0.52 CFS/135 AFA
TOTAL

63-32339
PARK LANE HOMES
0.18 CFS/45 AFA
10 AC SWSE
10 ACRES TOTAL
0.18 CFS / 45 AFA
TOTAL

PER TRANSFER NUMBER
73752 FILED BY
GERSHULTZ/ANDREWS
IN PROCESS!

63-32716
SPIKER
0.18 CFS/45 AFA
IRRIGATION
0.04 CFS DOMESTIC
10 AC SWSE
10 ACRES TOTAL
0.18 CFS/45 AFA
TOTAL

63-32717
GERSCHULTZ/ANDREWS
0.35 CFS/90 AFA
20 AC SESW
20 ACRES TOTAL
0.35 CFS / 90 AFA TOTAL

TAX LOT INFO
SHOWS THIS IS
NOW OWNED BY
RAMEY JARED