

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 8/8/2007

RE: JUNIPER STATION PROPERTIES LLC TRANSFER NUMBER 74011

The transfer proposes to change the point of diversion to an existing well and move their 46-acre portion of the water right onto other lands under the applicant's ownership. The original point of diversion is located 4/5 of a mile east from Simco Rd and 1/4 mile North Cinder Cone Butte Rd, also described as the SESE S23 T2S R4E. The point of diversion will be moved 2 1/2 miles north to an existing well that is approximately 1/4 mile east of Simco RD also described as SESWNW S11 T2S R4E, Elmore County. The irrigation located 1/2 mile east of Simco Rd and north of Cinder Cone Butte Rd will be moved approximately 2 miles north to 160 acres bordering the east side of Simco RD also described as the NW S11 T2S R4E, Elmore County.

AUTHORITY TO FILE:

Eisenman Family Trust originally filed this application and eight others in 2005. All of the transfers were placed on hold. The original property had already been subdivided and the individual parcels were subsequently sold. The Eisenmans put each transfer into the current owners name. This transfer is still owned by the Eisenmans, but they have changed their business name from Eisenman Family Trust to Juniper Station Properties LLC, with the same business address and business partners. Please see the notarized letter changing the name in the attachments. This transfer was filed to move the portion of this water right that is still under Eisenman Family ownership to other lands still owned by the Eisenman Family. A Warranty Deed proves ownership of the lands in S11. Therefore, it appears as though there should be no further issues with ownership of these water rights. Please see the other 8 transfers for all the ownership documentation and splits for each individual.

WATER RIGHT VALIDITY:

A Snake River Basin Adjudication (SRBA) partial decree was issued on this right on 10/26/2000, and the 2004 aerial photography available to the department clearly shows the ground was irrigated.

INJURY TO OTHER WATER RIGHTS:

The original farm has been irrigated for several years, and the water will be moved to a well and lands that have already been irrigated using other water rights for several years, therefore, injury is not anticipated by expanding the current lands being irrigated by 46 acres.

ENLARGEMENT OF USE:

This application only requests to move the point of diversion and place of use. No enlargement proposed.

LOCAL PUBLIC INTEREST:

The original property was split through the county process, and several other transfers had been done in this area with out protest. Therefore, 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

This transfer is part of a package of 9 transfers, in which the applicant split their 240-acre farm into 8 parcels. Through the sale of the property, the Eisenman Family divided up water right 61-11965 that allowed each of the 8 new lots to irrigate $\frac{1}{4}$ of their lot size. After all of the lots received their proportionate share, there was 46 acres of water left over. The Eisenman Family is moving the remainder of the water right to an existing farm with a well that is located approximately 2 miles north of its current location

PLEASE NOTE: The water right was split through a pre-transfer change of ownership split to allow all 9 transfers to be processed at the same time. Therefore, this transfer will only be on the owner's portion of the pre-transfer split.

The well where the water is being moved to an existing irrigation well associated with water rights 61-7283A and 61-11966. These rights also overlap the permissible place of use where this right is being moved. Water right 61-7283A allows the irrigation of 75 acres, and 61-11966 allows the irrigation of 30 acres. When these rights are combined with the 46 acres of this right, the total acres that can be irrigated from this well on the 160 acres is 151 acres. Even though the three rights don't have the same permissible place of use, the three rights will still have the combined conditions listed on the transfer approval to avoid over irrigation. The well location for all of these rights have different locations, however, they were decreed and licensed incorrectly. The owner is working with our office on another transfer to correct the legal description and the permissible place of use. Therefore, we should use the point of diversion location described in this application. These two rights are the only overlapping rights on the new place of use and point of diversion. Both sites are also located in the Cinder Cone Butte Critical Groundwater Area, so there shouldn't be a problem in that regard.

CONDITIONS AND SUGGESTIONS

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