

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 3/20/2007

RE: BONNIE LAURA WATER CORP. TRANSFER #73442, RIGHT 65-7143

The transfer proposes to add a new well in the SWNESE and correct the location of one of the existing points of diversion to correctly describe the rights as being 2 wells in the SWNESE and one well in the SENWSE. The place of use will also be corrected from the decreed right to include the small portion of the subdivision located in the NWSE. The new well will be located within the same well lot as the original two wells. This water right is for the Bonnie Laura Subdivision, which is approximately 1 mile west of Highway 52 on Sunset Drive. The place of use is more accurately described as being located in the N ½ of the SE of S1 T6N R2W, Gem County.

AUTHORITY TO FILE:

The applicant supplied a purchase agreement showing the purchase of the well lot, and the ISOS Business search shows they have been operating the water system for this subdivision since at least 1987.

WATER RIGHT VALIDITY:

This water right was decreed on 6/28/2002, so I don't foresee any issues with forfeiture or abandonment.

INJURY TO OTHER WATER RIGHTS:

This subdivision has been in place since the early 1970's. Therefore no injury is anticipated.

ENLARGEMENT OF USE:

No enlargement of the right is being proposed. The older wells are sanding in, so the new well is basically a replacement.

LOCAL PUBLIC INTEREST:

There is nothing to suggest that this application is not within the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

Applicant proposed beneficial use consistent with irrigation 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 largest issue for this transfer is ownership issues with the applicant not being the owner of record on the water rights. The applicant is the operating entity for this subdivision, so as long as none of the water is being moved or transferred away from the subdivision, this should not be an issue. The Idaho Secretary of State Business Entity Search shows that this entity has operated the water system prior to 1987, so the name should have been changed in the Snake River Basin Adjudication (SRBA) process. I have spoken with Pam on this issue, and we will put this water right in the Bonnie Laura Water Corp. name, since it appears as though it should have been in their name all along.

The wells were located on private property owned by Charles and Delma Rekow outside of the subdivision. The Bonnie Laura Water Corporation purchased this property in 2001. There are warranty deeds in the file showing the purchase of the well property. The well property is not part of the actual subdivision, so it does not have a subdivision lot number.

This right has been licensed and decreed in the SRBA showing the entire subdivision and both wells as being in the NWSE. Due to new mapping, it is clear that one of the wells has always been in the NESE and a portion of the place of use is also in the NESE. This transfer will correct the original records, and better describe the water right according to current mapping technology. The decree also included the N11 condition that states the use is not a determination of historical use, but this was done in error. The right was licensed and field exam was performed. Therefore, this condition should be removed from the water right.

There are several water rights that overlap the place of use, however, none of these rights seem significant except for 65-1447A. This water right is a domestic right for Charles and Delma Rekow. From my research it appears as though this right comes from a separate well, and is not connected to the system. Therefore, it should not hinder the approval of this application.

The first three pages of the application were amended. The amended pages were initialed and dated. I stamped the original 3 pages and put them behind the rest of the application for transfer.

CONDITIONS AND SUGGESTIONS

This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.