

MEMORANDUM

Date: June 13, 2006
To: Transfer 72559
From: rwarner
Re: Transfer Comments

This transfer originally proposed to physically replace one well and add one new well. Mud Lake Water Users have an artesian well that in recent years has been marginal to nonproductive. The original transfer requested to add another well that they could pump when the artesian well was not flowing sufficiently. The replacement well is for outright replacement of an existing well that will be abandoned according to acceptable well abandonment procedures. Since the original transfer application, it was discovered through transfer processing that other wells existed as part of Mud Lake Water Users infrastructure that were not included on the decreed water rights plus some wells were miss located and/or were not included on all of the rights. Given this discovery, the applicant opted to pay a substantial fee commensurate with making changes on all of the water rights rather than just the two wells.

Authority to File:

Applicant is Mud Lake Water Users, Inc., an irrigation company. They provided a signed document authorizing the changes by the company.

Water Right Validity:

All rights are decreed in the SRBA.

Injury to Other Water Rights:

There is no evidence of injury to other water rights. Nearby wells are also under control of Mud Lake Water Users. The ESPA spreadsheet analysis was performed for the proposed physical changes to the two wells. The results of the analysis indicate less than 5% change in affected reaches of the Snake River. No mitigation for the proposed transfer is deemed necessary.

Enlargement of Use:

The application is to replace existing infrastructure that is no longer performing acceptably. There is no evidence of enlargement of use.

Local Public Interest:

Since the local public is mostly shareholders of Mud lake Water Users, this transfer appears to not conflict with local public interest. But, it will be advertised to determine otherwise.

Beneficial Use / Conservation of Water Resources:

Transfer will provide for waters to irrigated lands in a manner consistent with state laws.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.