

MEMORANDUM

Date: February 23, 2006
To: Transfer 71368
From: amerritt
Re: sufficiency memo

This application proposes to split off a portion of licensed groundwater right 37-7395 currently used to irrigate 810 acres. This transfer is one of many that deal with splitting up of right 37-7395. This particular transfer identifies a 3 acre tract which is a portion of the original place of use which has been purchased by the applicant and proposes associating a portion of the original right with an existing domestic well on the parcel.

Authority to File:

The applicant is the present owner of the tract associated with a portion of the original right. A copy of the deed is in the file. The original claim has been split numerous times and one of the split portions is associated with this transfer. The original transfer was amended into current owners name and corrected to reflect correct legal description of proposed point of diversion.

Validity of the right involved:

The right involved is based on a license and has been claimed in the SRBA and now split by ownership. The field exam for licensing was done in 1979 and the license issued in 1980. The original SRBA claim for the right was filed in 1988 and since then the right has been protected from forfeiture. Review of the imagery available to IDWR (1986 through 2004) reveals that use on the farm over the years has been sporadic but the site of the tract associated with this transfer is clearly irrigated. Included in the file is a report by Brockway Engineering involving use on the ranch. (Note the report incorrectly states the date of the issuance of the license.) Currently there is not clear and convincing evidence that partial forfeiture has occurred.

Injury to Other Water Rights:

None apparent.

Enlargement of Use:

Does not appear to be enlargement of use if conditioned appropriately to limit instantaneous diversion rate and overall volume. Adding PDs does not increase availability of water.

Local Public Interest:

It would be in the local public interest to provide points of diversion for irrigation water to isolated tracts of land with separate ownership.

Beneficial Use/Conservation of Water Resources:

Appears to provide beneficial use consistent with normal application practices.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Other issue: None identified.