

MEMORANDUM

Date: February 23, 2006
To: Transfer 69504
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 proposes drying up a portion of the land (8 acres) and moving it to another site to the west of the current site of use.

Authority to File:

The applicant is the present owner of the claim listed on the database. The original transfer and claim were in the name of Lonnie (Alonso) Leavell but was changed to South Cove Ventures, LLC and then to Black Butte Hills LLC.

Validity of the right involved:

The right involved is based on a license and has been claimed in the SRBA. The field exam for licensing was done in 1979 and the license issued in 1980. The 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 and in particular in the SWSW S2, T2S, R17E where the acres are being dried up for Transfers 69501 through T69506. The year 1986 there is slight indication of irrigation in the area of SWSW S2, T2S, R17E but it is marginal at best. Other areas of the farm are 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. Use from 1979 to 1986 is not clear. The Brockway report evidences resumption of use if there are issues of partial forfeiture.

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 irrigation water to isolated tracts of land that are to be developed.

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.