

## **MEMORANDUM**

**TO:** FILE  
**FROM:** DANIEL A. NELSON  
**DATE:** 10/26/2005

**RE: IDAHO FARMWAY INC. TRANSFER 72408, RIGHTS 61-2131, 61-2136,  
AND 61-11920**

The purpose of the transfer is to remove one of the wells currently listed on all three rights in the SWSE S9 T4S R7E. The well being removed is located on ground currently not owned by the applicant. All of the water rights will now be diverted from applicant's other existing well located in the NWNW S16 T4S R7E, Elmore County, approximately 1 mile west of Old Highway 30 and Hamilton Roads. This transfer will not change the place of use.

### **AUTHORITY TO FILE:**

The applicant is the owner of record, so no ownership information is required.

### **WATER RIGHT VALIDITY:**

The Rights are presumed valid since the right was decreed in the Snake River Basin Adjudication (SRBA) on 11/24/2000.

### **INJURY TO OTHER WATER RIGHTS:**

This use has been in existence with no complaint from neighbors or other water users. Although the water will only be diverted from a single well instead of two wells, no injury anticipated.

### **ENLARGEMENT OF USE:**

No expansion of the right is being proposed

### **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 water rights in question have historically been diverted from two separate wells. The well being removed has always been located on Bureau of Land Management (BLM) property. This transfer was brought about through the SRBA and other issues with the BLM that required the applicant to cease using the BLM well for irrigation purposes.

The application originally included a letter from the applicant suggesting that some of this property was not irrigated by Mountain Home Irrigation District water (MHID). The letter was removed per the request of the applicant's consultant, who is in the process of developing the property. The applicant's consultant supplied adequate documentation to allow corrections to the application for transfer. In conversations with the SRBA agent who reviewed these water rights, it is clear that these water rights are supplemental water rights to the MHID.

The remaining well currently has another water right on the well, 61-7021. When all of these rights are limited to a combined rate of diversion of 7.48 cfs and combined volume of water of 2940 afa. These combined limits will be carried through with this transfer. This does raise the question of whether the remaining well has the capability of diverting the entire 7.48 cfs.

### **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.