

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 6/22/2005

RE: PARAMOUNT LLC TRANSFER 72053, RIGHT 63-32097

The purpose of the transfer is to retire 43 acres of supplemental irrigation located in N ½ of the SE and the SWNE S31 T4N R1E, also known as the Heritage Commons Subdivision a ¼ of a mile north of the corner of Ustick Road and Locust Grove Road in Ada County. The 43 acres of supplemental irrigation will be moved to the Paramount Subdivision in T4N R1W S25 at the corner of McMillan Road and Meridian Road in Ada County. The well will be located in Lot 1 Block 21 in the SWNW of S25.

AUTHORITY TO FILE:

The applicant filed a change of ownership for their portion of the original water right 63-11408. Therefore, they are the owner of record for water right 63-32097. The applicant provided ownership documentation, Option To Purchase Agreements, and letters from current owners agreeing to the transfer for the new place of use. These documents show a possessory interest in the new place of use. It appears that all the ownership issues have been properly addressed. Dave Turnbull who is listed as a member of Paramount LLC signed both the change of ownership and the transfer.

WATER RIGHT VALIDITY:

The water right was licensed as a supplemental water right in 1990. The applicant supplied a 2000 aerial photo showing the lands were irrigated in that year. The department's 2000 aerial photography confirms that this land was irrigated in 2000.

INJURY TO OTHER WATER RIGHTS:

This is a supplemental water right to Settlers Irrigation District water. The applicant will be moving this supplemental water right to lands, which also use Settlers Irrigation District water. Whereas this water right is going from a supplemental use to another supplemental use, there should not be any injury to other water users. This water right will need contain the standard supplemental conditions to prevent any possible injury.

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 most significant issue with this application was the ownership issues. The original water right was split prior to the transfer to prevent confusion of showing ownership of the water right and the new place of use in a single transfer document. The change of ownership has been completed, and the transfer supplied the ownership information for the new place of use. Regional review of the ownership documentation for the new place of use shows that the applicant either owns or has an agreement to buy the lands associated with the new place of use. Therefore, the ownership issues should have been properly addressed.

The only significant overlapping water rights are the Settlers Irrigation District water rights. This water right was originally filed to supplement Settlers Irrigation District water at the original place of use. The new place of use also has Settlers Irrigation District shares, so this transfer can be accomplished. The same canal company supplied both primary water uses for each place of use.

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.