

MEMORANDUM

TO: Transfer File No. 71731

FROM: Lori Graves

DATE: 9/20/05

RE: Evaluation of Sufficiency of Information Submitted

Brief: The purpose of the transfer is to retire supplemental ground water irrigation from 65 acres located about 2 miles southwest of Eagle to provide a similar amount of supplemental ground water irrigation to 65 acres within an 85 acre permissible place of use located about 3 miles southwest of Eagle. The proposed site is aka Foxtail Golf Course.

Contact person for the applicant is Terry Scanlan.

Authority to File: The land from which the water right is being transferred was purchased from Merle Lindley and the Lou Jean Lindley Trust by the Yorgusons in March, 2001. As part of the sale and purchase, Lindleys retained the water rights associated with the irrigation well on the property. Lindley has subsequently entered into an agreement to sell a 65-acre portion of the retained water right to the applicant. Attached to the transfer application are copies of 1) the Lindley/Yorgason real estate purchase agreement, 2) the resultant Warranty Deed from Lindley to Capital Development (owned by the Yorgasons), and 3) the Lindley/Wilson Properties agreement for purchase and sale of water right.

Wilson Properties LP are a registered business entity in Idaho #L2975. Charles Wilson signed the application and is listed as a partner. IDSOS records show that he was removed as a partner in 1998 and Fort Wilson Inc was added as the sole partner. Mr. Wilson is the President of Fort Wilson Inc., so he is still authorized to sign the application.

Water Right Validity: Right presumed to be valid based on pending SRBA recommendation.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No change in nature of use has been proposed. Surface water from Settlers Irrigation District is the primary irrigation source at both locations. Terry Scanlan explained that the current p/u has shares equating to .88 inches per acre. The proposed p/u has shares equating to .74 inches per acre. Terry stated that although the current p/u has slightly more inches per acre, it was gravity irrigated until developed in the last year and therefore required a high diversion rate. The proposed p/u has been sprinkler irrigated since the golf course was developed, which requires less diversion rate

than gravity irrigation. Enlargement does not appear to be an issue. See copy of e-mail dated 4/18/2005 from Terry Scanlan located in the transfer file.

Local Public Interest: No negative impacts are anticipated.

Beneficial Use/Conservation of Water Resources: Applicant proposed beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of this application.

Discussion: The existing p/u in S19 appears to be currently subdivided, however, applicant has submitted sufficient documentation indicating that the water rights were withheld from the property. Although Settlers is the delivery organization for both the current and proposed p/u, comparison surface water delivery information was requested and submitted by Terry Scanlan 4/18/2005 via e-mail located in the file (see Enlargement above).

An in-house split on water right 63-8608 was conducted for this transfer because a 2nd transfer (Mahaffey) has also been received involving the same water right to change the p/u for the other 10 acres in the NWNWSE S19 (75 total acres were recommended in S19). Both transfers are being processed simultaneously. As a result, this transfer is based on split right 63-32043, Mahaffey's transfer is based on split right 63-32042, and split right 63-32044 represents the remaining right in the name of Lindley.

The proposed p/u is aka Foxtail Golf Course. The primary water serving the Golf Course is surface water from Settlers and wastewater from upstream irrigators all delivered through the Settlers system. Supplemental ground water permit 63-12092 uses the same well for supplemental irrigation proposed on this transfer. The permit was issued subject to the amount of seepage water that could be supplied under a proposed mitigation plan involving the enlargement of three existing ponds. According to the mitigation plan submitted with the permit, sufficient surface water is typically available for irrigation use from mid April to early November. Supplemental ground water is needed when surface water is not available. A field exam on the permit was recently conducted 9/30/2004. The amount of volume recommended for licensing was and 11.7 afa based on the limits of the mitigation plan. .32 cfs and 73.7 acres were also recommended. Attached to this memo is the field report for permit 63-12092.

No other rights are used at the current location except surface water referenced above.

The current and proposed p/u are included within the SRBA's recommended service area for Settlers Irrigation District.

An upgrade fee for the proposed existing well has been received 9/7/99 during the processing permit 63-12092.

5/6/2005 Amendment: Rather than an 85 acre ppu, Jeff Peppersack requested a specific 65 acre p/u to prevent enlargement. In response, Terry Scanlan submitted an amended page 1 and map. See Terry's correspondence dated 5/3/05.

Conditions: Assuming protests are not filed and/or other information does not contradict the above analysis, and assuming it is determined the application should be approved, the conditions listed on the draft transfer approval should be applied.