

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 5/3/2005

**RE: CHAMPION HOME BUILDERS COMPANY TRANSFER #71943,
RIGHTS 67-7126, 67-7124, AND 67-7128**

The purpose of this transfer is to include a new facility and to change the point of diversion to a new well for the three water rights listed above. The property is located in the NESW and SWNW S9 T10N R5W, west of the corner of Sunnyside Road and Clabby Road, Washington County. The new well will be located in the NESW.

AUTHORITY TO FILE:

The applicant is the owner of record, and the applicant also supplied a tax notice that matches our current tax lot information. The lands described for the new facility are included in the tax lot information. Therefore, adequate documentation is available to allow the applicant to file the transfer.

WATER RIGHT VALIDITY:

Craig Saxton of our adjudication staff has recommended these water rights in the Snake River Basin Adjudication process.

INJURY TO OTHER WATER RIGHTS:

This right has been used in the past without consequence. The applicant only wants to readjust the water rights to include a new facility and to use a new well. Therefore, I don't anticipate any injury from this transfer proposal.

ENLARGEMENT OF USE:

No additional rate or volume is being sought. Therefore, 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

This transfer was originally received with an application for permit. During the initial review, it was discovered that the application for permit was not needed. Therefore, the applicant withdrew the application.

The applicant originally filed the adjudication claims for these water rights as domestic water rights limited to 2,500 gallons per day based on the \$25.00 fee. During the preliminary review of the claims by Craig Saxton this situation was discovered. The claims were clarified, and they were recommended as originally licensed. During the adjudication process, the use was changed to commercial. Although the transfer still lists domestic as a use, it would be best to follow the adjudication recommendations, and change all the domestic uses to commercial to avoid further confusion. Water right 67-7126 would be changed to 0.04 cfs for commercial use instead of 0.02 cfs for domestic and 0.02 cfs for commercial. The true use of these water rights has always been a commercial use, and should be recorded that way.

The applicant recently sold one of their 4 manufacturing buildings associated with water right 67-7125. The new owner hasn't changed the ownership of this water right yet, but this water right is no longer under the applicant's control. The property that was sold included the location of the original well. Therefore, the applicant needed to drill a new well for their remaining manufacturing operation, and the new manufacturing facility being constructed across the road. The remaining old manufacturing buildings will be used mainly for storage or as a warehouse for the new plant.

Even though the facility seems to be expanded, the total water consumption and use will not change. The water needs for this operation are very minimal, and are basically to supply restroom and cafeteria facilities for the same number of employees or less. The manufacturing process takes very little water, mainly for cleanup purposes. The rate of flow and volume of these rights will be more than adequate to operate the new facilities.

CONDITIONS AND SUGGESTIONS

This transfer seems acceptable as listed on the front page of the transfer with the exception of the domestic use being changed to commercial as listed on the adjudication recommendations, and inclusion of the conditions on the draft approval.