

MEMORANDUM

TO: Transfer File No. 71774

FROM: Lori Graves 

DATE: 5/31/2005

RE: Evaluation of Sufficiency of Information Submitted

Brief: The purpose of the transfer is to retire supplemental ground water irrigation from 10 acres located about 2 miles southwest of Eagle to provide a similar amount of supplemental ground water irrigation to 10 acres located about 2 miles northwest of Eagle.

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 10-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/Mahaffey agreement for purchase and sale of water right.

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 is the primary irrigation source at both locations. Settlers Irrigation District provides water at the existing p/u and Farmers Union Ditch Co. provides water at the proposed p/u. Documentation has been provided that indicates average deliveries per acre are greater in the Farmers Union boundary than in the Settlers boundary. As a result, applicants anticipate that the annual supplemental irrigation diversions associated with the 10-acre portion of 63-8608 proposed for transfer will be less after the transfer.

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.

Additional Information: Terry Scanlan was asked to supply comparison delivery data from Settlers Irrigation District and Farmers Union Ditch Co. to assure that the transfer proposal would not result in an enlargement of the water right (increased supplemental ground water use). Please see Terry's response letter dated 12/29/05 located in the file.

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. As mentioned above, information provided by Terry regarding Settlers and Farmers Union deliveries indicates that the need to supplement with ground water appears to be greater at the existing p/u than it will be at the proposed p/u.

The existing p/u to be retired encompasses all 10 acres in the NWNWSE S19 recommended for decree as indicated on page 1 of the in the purchase/sales agreement included with the transfer (Attachment C).

An in-house split on water right 63-8608 was conducted for this transfer because a 2nd transfer (Wilson properties) has also been received involving the same water right to change the p/u for the remaining 65 acres in S19. As a result, this transfer is based on split right 63-32042, Wilson Properties' transfer is based on split right 63-32043, and split right 63-32044 represents the remaining right in the name of Lindley.

No other rights are used at the current and proposed locations except the surface water referenced above. The proposed p/u is included within the SRBA's recommended service area for Farmers Union Ditch Company and the existing p/u is included within the SRBA's recommended service area for Settlers Irrigation District.

The proposed p/d is an existing well that was drilled in 2004 as a domestic well. A well upgrade fee has been requested and paid per receipt W032547.

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.