

MEMORANDUM

TO: Transfer File No. 71676

FROM: Lori Graves 

DATE: 4/11/05

RE: Evaluation of Sufficiency of Information Submitted

Brief: The purpose of the transfer is to allow a 140-acre permissible place of use for 53 acres of supplemental irrigation within Saguaro Canyon Subdivision. The site is generally located approximately ½ mile east of Meridian Rd and ¾ mile south of Chinden Blvd.

Contact person for the applicant is Terry Scanlan.

Authority to File: Within the 140 acre proposed ppu, applicant supplied a warranty deed for 80 acres owned by the Marty Goldsmith, manager member of Farwest, along with a contract to purchase the 60 remaining acres owned by Boyacks. Applicant will close on the Boyack's property in July, 2005, upon approval of the transfer. The subject water right is currently in Boyack's names and appurtenant to their property. See discussion below for further explanation.

Water Right Validity: Right presumed to be valid based on pending SRBA recommendation made 6/03.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No change in nature of use has been proposed.

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: As mentioned above, the SRBA claim has been reviewed and recommended for decree for the amounts and locations reflected in the transfer application. The ground water is supplemental to Settlers Irrigation District water. No other rights are used.

The transfer application proposes to distribute 53 acres of supplemental irrigation ground water to 14.94 acres of common areas, 6.94 acres of right-of-way, and 31.39 acres of residential landscape for phases 5 through 10 and a portion of phase 4 in Saguaro

Subdivision. These specific 53 acres to be irrigated are indicated on the plat map attached to the transfer application. Residential landscape for phases 1 through 3 and the remaining portion of phase 4 will be irrigated with city water.

The warranty deed attached to the application for 80 acres within the proposed 140 acre ppu is in the name of Marty Goldsmith. The Idaho Secretary of State's Business Entity website shows Marty as a managing member of Farwest LLC. As mentioned above, applicants plan to close on the remaining 60 acres owned by the Boyacks in July, 2005. The agreement attached to the transfer application states that Boyacks will have full use of water right 63-8718 until the sale is completed. The water right is listed in Boyacks name and is currently appurtenant to 53 acres owned by Boyacks. The approval document will show Boyacks and Farwest as water right owners and will contain a condition referencing the transfer agreement and requiring notification to the department that the sale, as outlined in the transfer agreement, has taken place within 60 days of the transaction. At that time Boyacks can then be removed as a water right owner.

2/23/05 Update: The state office disagreed with showing Farwest as an owner of the water right. Instead, the transfer will be processed listing Boyack as the current owner and when the property is sold, Farwest can change the ownership with proper documentation. If the sale does not go through, the parties can rescind the transfer per their agreement.

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.