

MEMORANDUM

TO: Transfer File No. 71109

FROM: Lori Graves

DATE: 3/11/04

RE: Evaluation of Sufficiency of Information Submitted

Brief: Applicant proposes changing the place of use for right 63-2656B and a portion of right 63-11199 to allow supplemental ground water irrigation of non-domestic areas in Lochsa Falls Subdivision from two proposed wells. Supplemental ground water irrigation associated with the domestic lots is covered on accompanying application no. 63-31859.

The site is located southwest of Chinden Blvd and Linder Road.

Contact person for the applicant is Terry Scanlan.

Authority to File: Proof of ownership for the 250-acre proposed ppu is attached to the transfer application. Proof includes (1) a quitclaim deed to Lochsa Falls from Farwest for 184 acres within the proposed ppu, which includes all of right 63-2656B (attachment A), and (2) a warranty deed from the Leroy Brandt Family LLP to Marty Goldsmith for the other 66 acres of land within the proposed ppu associated with the portion of right 63-11199 (attachment B).

Ada County tax records show the 184 acres listed in attachment A are under the ownership of Marty Goldsmith, who is an active member of Lochsa Falls, LLC. However, the quitclaim deed for that property is from Farwest LLC to Lochsa Falls LLC. After researching the Secretary of State's website for business entities, Marty Goldsmith appears to be the director of Farwest Development Inc.

Water Right Validity: Right 63-2656B is presumed to be valid based on pending SRBA recommendation. Right 63-11199 is presumed to be valid. SRBA is not applicable to this right developed after 1987. Recent beneficial use was confirmed via dated item 2000 arc view photo.

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.

Additional Information: The application was originally filed for 105 acres irrigation within a 250 acre ppu. This included some of the 96 acres of domestic lawn area proposed at one inch per acre on the original accompanying application for permit. 139 total acres irrigation were proposed within the ppu (96 acres of lawns and 43 acres of common area). The original transfer application also left 34 acres, listed on water right 63-11199 in the NWNE, without a home. The applicant purchased the acres because they were appurtenant to the ppu area, but did not include them in the ppu because the proposed irrigated lands were covered at one inch per acre via the 1.92 cfs listed on the application and .86 cfs proposed for transfer. As a result, applicant left the 34 acres listed on the unchanged portion (Brandt's retained acres) of water right 63-11199 in the NWNE. After consulting with Jeff Peppersack, applicants and their consultant amended the transfer and limited irrigation to 43 acres within the ppu to eliminate the groundwater overlap with the 96 acres of lawns proposed on the accompanying application for permit. A plat map (attachment C) was submitted to identify the 43 acres of non-domestic area. Also submitted was the attached water bank application for the 34 acres in the NWNE that applicants purchased from Brandt but are currently not needed for irrigation. The 34 water bank acres are identified on page 6 of the transfer for clarification purposes. The transfer was then amended again to list two proposed wells on Lochsa property rather than one proposed well on another's property, where Lochsa had an easement. The application for permit was also amended to list the p/d change and account for 686 lots with an irrigated area of 7000 square feet/lot rather than 700 lots at 6000 square feet/lot as originally filed. Now, 153 total acres irrigation are proposed within the ppu (110 acres of lawns and 43 acres common area).

After consulting with Pam Skaggs on 8/16/04, the 34 acres in the NWNE to be placed in the water bank are to be included on the transferred portion (63-31861) of water right 63-11199. The total amounts listed on right 63-31861 are designated as follows:

.42 cfs	135 afa	30 acres	= amount used for irrigation of common areas
<u>.49 cfs</u>	<u>153 afa</u>	<u>34 acres</u>	= amount submitted to the water bank
.91 cfs	288 afa	64 acres	= total amount listed on right

Rights 63-31861 and 63-2656B, when combined, are limited to 77 total acres, which includes 43 overlapping acres and 34 non-overlapping acres under right 63-31861 to be enrolled in the water bank. Upon approval of the attached water bank application, a condition will be included on right 63-31861 specifying the amounts of the right designated to the water bank.

Applicants were not found registered as a business entity with the Secretary of State. After notification, this issue was resolved and applicants now appear registered. Traci Irvin, Lochsa Falls LLC, submitted a letter to the file dated 3/1/04, which explained the error and confirmed the correction.

Discussion: The ground water is supplemental to Settlers Irrigation District. According to Terry Scanlan, the Settlers water will be delivered through a pressurized irrigation system. Supplemental ground water application no. 63-11941 filed by LJ Ranches in 1992 overlaps the N ½, S26. This right is subject to basin 63 processing hold. Internal domestic use is provided by United Water. No other rights are used.

Domestic use was originally listed on right 63-2656B. Applicants chose not to carry this use forward on the transfer.

9/9/04 update: The domestic use that applicants chose not to carry forward should never have been claimed or recommended under 63-2656B. The domestic use is actually appurtenant to the original home place represented by 63-2656A and is being recommended for decree as part of that claim (per SRBA agent Kimberly Brown).

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.