

MEMORANDUM

TO: Transfer File No. 71357

FROM: Lori Graves

DATE: 6/21/2004

RE: Evaluation of Sufficiency of Information Submitted

Brief: Applicant proposes retiring 14.7 acres irrigation southeast of McMillan and Meridian Roads and divert the ground water appurtenant to that property from two proposed wells for irrigation of lots 3 & 4, block 1 in Chukar Point Subdivision located north of Star. The applicant has a purchase and sale agreement with Renata Ham for a portion of water right 63-9972.

Contact person for the applicant is Steve Hannula with ERO.

Authority to File: The applicant supplied a purchase and sale agreement for the existing p/u and a warranty deed for the proposed p/u.

Water Right Validity: This right has been recently reviewed several times for similar transfers that have been approved. Please see Steve Lester's review memo dated 4/24/03 referencing the status of this right (review memo attachment 3).

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 & Discussion: Permit 63-12528 for ground water currently covers irrigation of lot 4 and application 63-12531 currently covers irrigation of lot 3. Both these overlapping rights from ground water are in the name of Irving Ray and have 1999 priority dates. On 6/28/04, Steve Hannula stated that he would notify Mr. Ray to amend and/or withdraw rights 63-12528 and 63-12531 to resolve the overlap. Shelly Strate, representing Irving Ray, telephoned 6/30/04. She stated that Irving will withdraw the application and amend the permit to a different location. I faxed her a withdrawal form. She plans to make an appointment as soon as she and Mr. Ray determine where to amend the permit.

UPDATE 9/16/04: This office received a signed withdrawal from Irving Ray for permit 63-12531 and a signed amendment for permit 63-12528 moving it off lot 4 to lot 6, block 1, Chukar Point Subdivision. The overlaps discussed above are now resolved.

This right is a portion of parent right 63-9972, which is one of the three “Ham” rights being marketed to willing buyers. Since these rights will be subject to recurring splits, informal AJ splits are being made on the rights to expedite processing. For this transfer, a split was made on remaining right 63-31880 of previous transfer no.

The shape file for the remaining right is saved to AW02Common/AJ Transfer Shapes for SRBA access and understanding during the water right claim recommendation process.

An accounting of the water right splits for Ham right 63-9972 is located in AW02Common, WRProcessing. The split tree and table are attached (review memo attachments 1 & 2).

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.