

## MEMORANDUM

TO: Transfer No. 89416  
FROM: Kate Englund  
DATE: 12/04/2024  
RE: Evaluation of Application

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The transfer proposes to replace the point of diversion listed in SESE of 01S01W sec 20. The replacement point of diversion is a new well proposed for NENW of 01S01W sec 29, about 0.4 mile to the west of the pre-existing well. The transfer also includes a change of ownership from Jerry L. and Mary Louise Tlucek to Snake River Dairies LLC for water right 63-7270A.

### **Deviations from Transfer Policy Standards**

Transfer application 89416 proposes the SESE 01S 01W well to be replaced. The proposed well will be drilled in SESW 01S 01W, 0.2 miles outside of the place of use. The proposed point of diversion will be on land not owned by the applicant. A signed and notarized Consent to Water Right Transfer has been included, demonstrating acknowledgement from Mary Louise Tlucek and Jerry nL. Tlucek that Snake River Dairies LLC is proposing a new well on land owned by them.

### **Summary of Information Submitted**

#### **Authority to File:**

The applicant, Snake River Dairies LLC, was represented by Kevin Tlucek, a member of Snake River Dairies LLC. Jerry and Mary Tlucek are the owners of the prospective water rights. Idaho Secretary of State's Office lists Jerry Tlucek as the registered agent for Snake River Dairies LLC.

#### **Water Right Validity:**

Water right no(s). 63-7270A and 63-7270B were decreed April 3, 2007. Water Right 63-33639 was licensed July 30, 2019 with a priority date of June 3, 2012. These rights are presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images.

#### **Injury to Other Water Rights:**

One existing well, less than half a mile away from the proposed well, is the point of diversion only for five water rights owned by Snake River Dairies LLC or Jerry and Mary Tlucek. No injury to other water rights is anticipated.

#### **Enlargement of Use:**

No enlargement should occur. The licensed rate will not change; combined limit conditions (R65 and X35) for the associated water rights will be carried over.

#### **Local Public Interest:**

Both the pre-existing well and the proposed well are within the bounds of DEQ Ada County Nitrate Priority area. This application proposes a change consistent with the local public interest.

**Beneficial Use/Conservation of Water Resources:**

The application proposes beneficial use consistent with conservation of water resources in Idaho.

**The application is consistent with criteria of I. C. § 42-222 and should be processed.**

**Summary**

**Water Right Overlap**

POU overlaps include several partial overlaps belonging to irrigation entities such as Boise Kuna Irrigation District or Boise Project Board of Control. Jerry and Mary Tlucek own water right 63-4042, a partial overlap for stockwater. The existing well also used for these water rights is used for two water rights, also owned by the Tlucek's, not including the three rights involved with this transfer.

**Discussion**

If approved the following changes should be made to the conditions of water right no. 63-33639, 63-7072A, and 63-7270B. Add condition 046 because the proposed new POD is a groundwater well, update condition C18 to T19, and add standard transfer conditions T07 and T08.

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.