

## MEMORANDUM

TO: FILE  
FROM: DANIEL A. NELSON  
DATE: 4/14/2004

**RE: WILLOW BROOK DEVELOPMENT, INC.  
TRANSFER, RIGHT 63-121256**

The transfer proposes to add a third well to the water right located in the SESW S25 T5N R2W, ADA County.

### **AUTHORITY TO FILE:**

The transfer applicant is the current owner of the water right, so no ownership documentation was required.

### **WATER RIGHT VALIDITY:**

This water right was licensed in 1995 and the 2000 aerial photo shows that the subdivision still exists.

### **INJURY TO OTHER WATER RIGHTS:**

This subdivision has been in place since 1994. The applicant is not asking for additional water from this application. The applicant has filed separate application for permit (63-31862) to subdivide the remainder of his property, and wanted to tie the two subdivisions together in a single water system. The only anticipated concern over injury would be with the new subdivision and not this application.

### **ENLARGEMENT OF USE:**

The applicant is not asking for additional homes or water with this transfer. Therefore, enlargement should not be an issue.

### **LOCAL PUBLIC INTEREST:**

There is nothing to suggest that this application is not within the local public interest.

### **BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:**

Applicant proposed beneficial use consistent with irrigation standards for the area.

**Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of the application.**

SCANNED

APR 14 2004

## **NARATIVE**

There doesn't seem to be any significant issues with this application. There are overlapping water rights associated with this application. Transfer 4385 was filed on water rights 63-3079, 63-7131, and 63-8376 to supply irrigation to the common areas and irrigated areas not included in the domestic exemption of the ½ acre yard irrigation associated with this water right. Water right 63-31862 was recently filed and is still in application form for an additional 261 domestic units. The rights from transfer 4385 and 63-31862 will share the same wells listed on this water right, but will serve different places of use. Therefore, overlapping rights should not be an issue.

The new well will not be located within a specific lot in the subdivision. It will be located in an open area not listed on the plat map as a lot. There are several wells associated with the irrigation rights and the domestic rights. However, there should not be any confusion on the well locations for this water right and the transfer.

## **CONDITIONS AND SUGGESTIONS**

This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.

**SCANNED**

**APR 14 2004**