

MEMORANDUM

TO: Transfer No. 76948 File

FROM: Angie Grimm

DATE: April 26, 2011

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to move the P/D for Dry Creek water right 63-2618 downstream approximately ¼ mile.

The site is generally located northwest of the intersection of Dry Creek and Broken Horn Rd approximately 5 miles northeast of Eagle.

Summary of Information Submitted

Authority to File: Transfer applicant is the water right owner on file. Ada county tax lot data of 12/29/2010 indicates applicant is still the property owner of the P/U, current P/D, and proposed P/D. The applicant has authority to change the right.

Water Right Validity: Right presumed to be valid because the partial decree was issued 2/16/2007, within the past five year period.

Injury to Other Water Rights: No injury is anticipated. P/D proposed to be moved approximately ¼ mile downstream from current P/D. There are no diversions from Dry Creek between the current P/D and proposed P/D. Water right is within Water District 63 and subject to water master control to avoid injury.

Enlargement of Use:

Applicant does not propose to change the diversion rate or the number of acres irrigated under the right. The right proposed for transfer (63-2618) is staked with ground water right 63-3160A. 63-2618 and 63-3160A are limited to a combined diversion rate of 1.96 cfs and irrigation of no more than 98 acres in a single irrigation season. The combined limits of these two rights will not be affected should this transfer proposing to change the Dry Creek P/D of right 63-2618 be approved. The proposed P/D is approximately ¼ mile downstream of the current P/D. The water available at the downstream site is likely equitable to that at the proposed P/D site considering there are no tributaries into or diversions out of Dry Creek between the two points. It is not likely, if approved, this P/D change will enlarge the right in any way.

Local Public Interest:

Allowing for the applicant to change the P/D and associated diversion system of this right from a system no longer accessible to one closer and newer will allow for more efficient diversion of the right, which serves the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes 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 the application.

Discussion

Data entry for this transfer will affect the water right record of right 63-2618. This right was decreed on 2/16/2007 and the results migrated prior to data entry of this transfer. Right 63-3160A is diversion rate and number of acres to be irrigated limited with the right proposed for transfer. However, the transfer (if approved) will not affect the rate or number of acres irrigated. Therefore, right 63-3160A does not need to be included in the processing of this transfer as an associated right.

There are no overlapping rights at the current P/D or proposed P/D. The only overlapping right for the P/U is ground water right 63-3160A (mentioned above). There are no other overlapping rights.

Right 63-2618 is a surface water right within Bs 63 water district. As such, a comment letter will be sent to the watermaster during advertising of this transfer.

Summary

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.