

MEMORANDUM

TO: Transfer Nos. 74309, 74310 and Application for Permit 65-23156

FROM: Kay Walker *KW*

DATE: August 2, 2010

RE: Evaluation of Sufficiency of Information Submitted

Application for Permit 65-23156 was filed by J & G Development to develop three aesthetic ponds within Woods Ranch Subdivision. In order to mitigate the consumptive use of water for the ponds the applicant has proposed to remove 25 acres of irrigation with water from Letha Irrigation and Water Company (23 acres) and Reed Ditch Company (2 acres). These companies, respectively, have filed transfer nos. 74309 and 74310 to change the nature of use of water under their rights to accommodate the permit applicant and provide water for aesthetic storage use under their water rights.

The site to be developed into subdivision is located in the Emmett Valley south east of Letha and north of Highway 52.

Contact person for each of the applicants is Lori Graves, Water Right Specialist at SPF Water Engineering, 383-4140.

Transfer 74309, for Reed Ditch Company, proposes to transfer a portion of one water right from irrigation use to aesthetic storage purposes. The right was decreed at a rate of 0.0239 cfs per acre and this proposal will change the nature of use of 0.05 cfs to diversion to storage purposes and dry up 2 acres previously irrigated. The storage volume under this portion of the project has been identified as needing 5.5 afa of water to provide consumptive use for the 2 acres of pond.

Transfer 74310, for Letha Irrigation and Water Company, proposes to transfer a portion of one water right from irrigation use to aesthetic storage purposes. This right was decreed at a rate of 0.04 cfs per acre and requests a change in nature of use of 0.92 cfs to diversion to storage purposes and to dry up 23 acres previously irrigated. The storage parameter under this portion of the project was identified as needing 62.7 afa of water to provide consumptive use for 23 acres of ponds.

The filing fees for these transfers are based upon the amount of water being transferred rather than the amount of water under the water rights. This is an acceptable practice for transfer submittals.

Deviations from Transfer Policy Standards

Transfer 74310 requests a correction of the company boundaries as they were decreed in the SRBA. Pursuant to the application for transfer, the place of use under this proposal had historically been irrigated with water under the company water rights but was not included in the shape boundary as decreed. Since a correction of the companies shape would involve each of their water rights, not just this one, it has been determined that the company should file an additional transfer to correct the place of use for each of their water rights. We can allow a transfer to be filed with a pro-rated fee which was determined as shown in the file.

The company has also requested a decreed remark be removed from two of their rights. The remark discusses an overlap in point of diversion between Rts. 65-78 and 65-82; however, the GIS shapes are 2 separate points in the same 40 acre tract location. We will have this confirmed by the watermaster when we solicit comments regarding the transfer applications.

Summary of Information Submitted

Information submitted has been reviewed and an additional transfer application from Letha Irrigation and Ditch Company will be solicited. The precipitation deficit volume was found to be slightly different that used by the representative in her calculations but the end result would be just a ¼ acre difference in pond size so not a big deal. The representative used an amount of 2.726 afa and we found the requirements for this area to be 2.69 afa for an alfalfa crop which the applications reference as being the historic crop on the property where the ponds will be developed. Alfalfa is considered a highly consumptive crop. This allows for a 1 to 1 pond swap. The period of use proposed for the aesthetic storage change in nature of use is year round, rather than the irrigation season, which is consistent with previous Transfer No. 76769 approval for a similar nature of use change of the right proposed for transfer. Considering a de minimus amount of consumptive use due to evaporative losses will occur during the non-irrigation season and diversion to storage will only occur during the irrigation season, no enlargement should occur should a year round season of use be allowed.

Authority to File:

The transfer applicants are the holders of the decreed water rights. The partial decrees were issued for these rights in 2002 and are presumed to be valid because of the widespread use of these ditch systems.

Injury to Other Water Rights:

No injury should occur. The water has always been diverted into the ditch systems. The water will now be run through a series of ponds rather than used for irrigation purposes. The main source of water for the ponds will be three ground water wells and the transfers are proposed to mitigate the evapotranspiration and consumptive use of the ponds.

Enlargement of Use:

No enlargement should occur as long as the permit holder and transfer applicants adhere to any conditions that may be attached to the rights. There will be no more water diverted by the ditch companies than previously diverted.

Local Public Interest:

The transfers propose to mitigate the consumptive use for the ponds. Changing the nature of use for 25 acres of irrigation to diversion to storage for aesthetic ponds will not significantly impact the local agricultural base. Reduction in irrigation to mitigate consumptive use of ponds 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.

Additional Information/Analysis

Watermaster comments will be solicited in regard to the transfer applications. We will also request verification that there are 2 separate points of diversion under rights 65-78 and 65-82 as application states. An additional application for transfer will also be required before any final action can be taken on these proposals.

Discussion

Data entry should reflect the partial decrees issued in 2002. It appears that the quick data entry was based on the rights being claims in SRBA so may need to delete and re-enter from beginning.

For Transfer 74309:

Overlapping rights at existing point of diversion is Rt. 65-53A. The place of use also overlaps with Rt. 65-53A, for Reed Ditch Company, which is an associated

right and will only be pulled into the transfer as such. There is no acre limit under the individual rights and the combined acre limitation will be reduced when the transfer is finalized. Right 65-23127 for J & G Developments proposed domestic and stockwater use also overlaps the place of use where the pond development is proposed.

For Transfer 74310:

Overlapping rights at existing point of diversion are none, pursuant to arc view shapes. The arc view shapes show one diversion on the Seitz Ditch and another on the Woods Ditch. The point on Woods Ditch is the point of diversion for this application. The remarks, on the decrees, stating they are the same point appears to be in error. A confirmation of this will be requested from the watermaster and, if necessary a field examination will be conducted. There is also another small diversion from the Payette in this 40 acre tract under the name of Morehouse, No. 65-5079. This right is for stockwater purposes and does not appear to be an issue. The place of use overlaps with all of the rights for Letha Irrigation, that is 65-76, 65-77, 65-79, 65-80, 65-81, 65-82, 65-84, 65-85, 65-2030 and 65-10337; all for irrigation purposes within the decreed boundaries.

The purpose of the applications for transfer is to mitigate the consumptive use of water for the ponds they wish to develop. The priority dates of the rights to be used for mitigation purposes are 1882 and 1884. In review of the water rights on record for the Payette River it appears that these rights would be allowed to be diverted at most times and therefore good candidates for use for mitigation purposes.

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.