

MEMORANDUM

TO: Transfer No. 74962 and App for Permit 65-23305

FROM: Sharla Curtis

DATE: February 11, 2010

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the storage of water from fish habitat (changed to this use by an earlier transfer that was not developed) back to irrigation for use within the Lake Reservoir Co. service area. The application for permit submitted at the same time picks up the remainder of the storage facility capacity for the same purposes as the transfer. The site is known as Blackwell Lake.

Summary of Information Submitted

Authority to File: Warranty deeds from previous land owners are included with the application for Right 65-2923E along with the Bill of Sale to Lake Reservoir Co. executed in 2008; this document specifically lists the water right by number. Right 65-2923C is currently in the name of J.B. Scott and documentation has been submitted changing the ownership to Lake Reservoir Co. Lake Reservoir also has a special use permit from the Forest Service for Blackwell Dam. Filing of the application for permit by Lake Reservoir Co. is appropriate as they now maintain the facility.

Water Right Validity: The rights were decreed in the SRBA in 2000 and the fish habitat use was never completed, however, maintaining the storage facility counts as beneficial use (see prior transfer) and photos obtained from the watermaster (attached to this memo) confirm the cleanup/repair and maintenance of the dam since 2007. Also attached are photos and dam safety inspection reports from 1993 and 1998.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: Transfer App: No enlargement is proposed. As noted above, maintenance of the storage facility confirms validity of the water rights as far as storage goes. The irrigation component of right 63-2923E is being removed via the transfer because that use has not been maintained. **App for Permit:** The application has been filed to pick up the remaining storage capacity of the reservoir. The reservoir has not been nor will be physically expanded. Major cleanup of logs and other debris has taken place in the past 3 or so years to take full advantage of the reservoir's capacity. Because the facility already holds the 340 af, the paper filing is just catching up. Therefore, large diversion info regarding water availability, cost and monetary resources for the project is not being sought.

Local Public Interest: Maintaining the aesthetics of the lake and dam are in the local public interest as well as using the stored water for agricultural uses by landowners who receive water through Lake Reservoir Co.

Beneficial Use/Conservation of Water Resources:

The applications propose beneficial use consistent with conservation of water resources in Idaho.

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

Additional Information/Analysis (can combine with Discussion section if prefer)

Watermaster comments are not really necessary for these two proposals in light of the fact that the watermaster is the secretary of Lake Reservoir Co. and has already submitted a letter dated 10/22/2009 explaining the filings. However, standard comment notices will be sent to Mr. Shurtleff to finish documenting the files.

Data entry for the transfer affected the correct records; partial decrees were already migrated to wr records.

Summary

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