

MEMORANDUM

TO: Transfer No. 70024 File

FROM: Michele Edl

DATE: 9/29/2010

RE: Evaluation of Sufficiency of Information Submitted

This transfer was not approvable and was withdrawn on 9/28/2010. It was replaced by Permits 63-31515 and 63-33400, with mitigation by decreed Water Right 63-32614. This memo is my review of the transfer application. I found that the application did not provide adequate evidence to change the source.

The transfer proposes to change the point-of-diversion for irrigation from the Boise River to ponds in the Rivers End Subdivision, to change the nature of use of 12 acres of grass pasture irrigation to aesthetic ponds and to mitigate for the evaporation consumptive use associated with those aesthetic ponds. A companion permit 63-31515 authorizes the ponds.

The site is a subdivision on Eagle Island in the Boise River, Ada County.

Contact person for the applicant is consultant Dave Shaw, with ERO Resources Group.

Deviations from Transfer Policy Standards

The transfer proposes a change of source. Although shallow ground water in Eagle Island could be presumed connected to Boise River, no evaluation of the interconnection has been provided in the application documents. Without it, this transfer is not approvable.

This transfer and its companion permit 63-31515 were advertised July 18, & 25, 2002 and were protested. The protests were withdrawn. Further processing was interrupted and delayed by SRBA.

Summary of Information Submitted

Authority to File: The new Applicant, the Rivers End Neighborhood Association Inc., is registered with the ISOS (No. C145184).

The applicant is owner of the place of use but not of either application or of decreed water right 63-32614. Howell Kiser Development Corp's, vice president, signed both the transfer application and the application for permit in 2002.

Right 63-32614 was decreed to Howell Kiser Development Corp in May, 2007. Change of ownership documentation for 63-32614 was received in Western region on February 27, 2008 but not processed.

Water Right Validity: The right presumed to be valid because the partial decree was issued on May 14, 2007 which is less than the five-year period that would elicit forfeiture.

Injury to Other Water Rights:

The applicants own the property in the proposed place-of-use. Several shallow, excavated ponds are the intended points of diversion. The original POD will no longer be available to the applicant.

The Basin 63 Watermaster will be made aware of the diversion and provided control over it through appropriate conditions of approval.

Enlargement of Use: Mitigation through non-use of right 63-32614 is proposed.

Local Public Interest: The application was subject to public notice and protest. The protests were resolved.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial uses consistent with conservation of water resources in Idaho.

Additional Information &/or Analysis

Shapes were provided electronically. The 17 pond (PODs) cover approximately 12-acres in total surface area. Volumes are unknown.

The permit application and the transfer application are in the name of the previous applicant. (This was verified by a receipt review). An assignment for each application is needed as well as completion of the change of ownership processing for 63-32614.

Evidence of a direct and immediate connection between the current source, which is surface water and the proposed source, which is ground water was not provided. I reviewed available documents and data and evaluated the interconnection between the Boise River and the proposed shallow, ground water ponds. In addition, Aaron Marshall completed a mathematically-based evaluation of the same surface water to ground water interconnection. Both memos are available in the backfile and both evaluations arrive at the same conclusion. The source of water for the proposed shallow ground water ponds is the Boise River. However, the connection is not direct and immediate enough to allow the change in source requested by this transfer.

A new watermaster was elected after this transfer was advertised. I contacted Rex Barrie, the current Basin 63 Watermaster, and confirmed that he was aware of this diversion. He was not opposed if the standard watermaster conditions were applied to the approval.

Discussion

SRBA processes simplified this transfer and overruled an earlier version which had expected successive splits of the parent water right. Several split rights derived from the previous version have been made null and void.

There are no overlapping rights at the place of use.

Summary

Review of the application finds that it does not provide adequate evidence to change the source. This transfer cannot be approved unless proof of the direct and immediate hydraulic connection between the ground water and surface water sources is provided.