

MEMORANDUM

TO: Transfer No. 75967 File

FROM: Angie Grimm

DATE: May 10, 2010

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to modify the existing PP/U for rights 63-161BN and 63-2932 to more accurately reflect SV Homeowners Association Inc's service area.

Spring Valley Subdivision is generally located south southeast of Amity Rd and north of Hwy 21 along the west side of the New York Canal approximately 5 miles southeast of downtown Boise.

Contact person for the applicant is **Lori Graves, SPF Engineering LLC**.

Summary of Information Submitted

Authority to File: Applicant is the water right owner of record. The water right owner has authority to change the rights.

Water Right Validity: Rights presumed to be valid, because the partial decrees were issued within the past five year period.

Injury to Other Water Rights: No injury should occur as a result of this transfer. There are no changes to the diversion and use of water under the rights, only a clarification of the PPU for an existing irrigation system.

Enlargement of Use: The diversion rate, annual diversion volume, and number of acres irrigated will not increase as a result of the transfer. Irrigation will be limited to previously authorized diversion rate, volume, and number of acres within the proposed PP/U. Right 63-161BN is a primary surface water irrigation right supplemented with ground water right 63-2932. Current conditions on these rights limiting the diversion rate, volume, and number of acres to be irrigated in combination shall be maintained should this transfer be approved. This transfer proposes to increase the number of acres describing the PP/U for the rights, but the number of acres to be irrigated will be limited to 141 acres currently authorized.

Local Public Interest: Allowing the applicant to more accurately describe the PP/U of this existing system serves the local public interest in that it more clearly defines use of the rights involved.

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 records of rights 63-161BN and 63-2932. These rights were decreed 2/16/2007 and the records were migrated prior to transfer processing.

Information in water right file 63-147B indicates right 63-161BN has the same P/D as rights 63-147B, 63-198AJ, 63-199B, 63-200B, and 63-30181. Currently right 63-161BN is not conditioned with a remark nor has any document on file confirming or disputing this. However, the overlap, if it exists, is irrelevant to processing of this transfer as no changes to the P/D or diversion are proposed. The rights proposed for transfer (63-161BN and 63-2932) have the same PP/U currently. There are no other overlapping rights for the existing P/Ds and PP/U or the proposed PP/U. No other water rights need to be involved in processing of the transfer.

The applicant filed a water supply bank application for both rights the same day this transfer application was filed. The applications propose to place a portion of the rights currently unused in the bank to avoid forfeiture. The rights were decreed within the 5 year period prior to processing of this transfer, thus forfeiture is not an issue currently. The water supply bank applications have not been processed yet, thus the rights are still available in their entirety for use and change accordingly.

Right 63-161BN, as a Boise River source surface water right is subject to Water District 63 management. A comment letter to the Watermaster requesting comments will be sent during advertising of this transfer application.

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.