

MEMORANDUM

TO: Transfer No. 75807 & 75808 File

FROM: Angie Grimm

DATE: April 28, 2010

RE: Evaluation of Sufficiency of Information Submitted

Transfer No. 75807 proposes to create a permissible place of use and add 2 existing wells as P/Ds for right 63-27214 on Boise State University campus. Transfer No. 75808 proposes to change the P/D, P/U, and create a PP/U for rights 63-10996 and 63-27213 currently appurtenant to Boise State University campus. The rights will be moved to the former site of East Junior High to a proposed athletic complex.

Boise State University campus is located between Broadway Ave and Capital Blvd south of the Boise River in downtown Boise. The proposed athletic complex (former site of East Junior High) is located east of Broadway Ave between Front St and Warm Springs Ave approximately 0.5 miles north northeast of Boise State University.

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

Summary of Information Submitted

Authority to File: Applicant is the owner of record for the water rights proposed for transfer. The owner can change the rights.

Water Right Validity: Rights 63-27213 and 63-27214 presumed to be valid because the partial decrees were issued within the past five year period. Right 63-10996 was developed after 1987 (SRBA not applicable) and is currently in the water supply bank.

Injury to Other Water Rights: Proposed P/Ds are existing wells within the area where ground water shallower than 200 ft is considered tributary to the Boise River upstream of Star Bridge. These wells have production zones shallower than 200 ft like the existing P/Ds per available well log data. The nearest wells are likely within ½ mile of the proposed and existing P/Ds. These wells are domestic wells or wells owned by the applicant for various uses. The nearest spring P/D is over 2 miles away. The transfers do not propose to enlarge the current diversion from the water bearing zone, thus injury is not likely to occur. The wells are also in the Boise Front GWMA, however they are not 300 ft or greater in depth and as such are not subject to the Boise Front GWMA management plan provisions. As ground water rights, the rights proposed for transfer are subject the reasonable pumping level provisions of I.C. § 42-226.

Enlargement of Use: The diversion rate, annual diversion volume, and number of acres irrigated will not increase as a result of the transfers. Irrigation will be limited to previously authorized diversion rates and number of acres within the proposed PP/Us. Right 63-27213 is a

primary ground water irrigation right within the proposed PP/U of Transfer No. 75807, but Transfer no. 75808 proposes to change the place of use for this right to the proposed PP/U of the sports complex at the former site of East Junior High. Right 63-27214 is a supplemental irrigation right and will remain such as the applicant will retain surface water shares per the Transfer No. 75808 application.

Local Public Interest: Processing Transfer No. 75807 authorizing the applicant to use available existing wells for limited irrigation within the entire campus property (proposed PP/U) versus a specific P/U allows for flexibility necessary for changes in irrigation practices caused by future campus development. Processing Transfer No. 75808 authorizing the applicant to move water rights no longer needed at their campus site to allow irrigation at the proposed sports complex to be used for various community sporting events including college and high school athletic events serves the local public interest.

Beneficial Use/Conservation of Water Resources: The applications propose 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 (combine with previous section if prefer)

Data entry for the transfers will affect the water right records of 63-27214, 63-10996, and 63-27213. Rights 63-27213 and 63-27214 were decreed on 4/29/2009 and the records were migrated from adjudication records to water right records prior to transfer processing.

The proposed P/D for Transfer No. 75807 designated as Well 1 on the application located in the NE NE Section 15 T3N R2E is the existing P/D for primary irrigation right 63-27213, the P/U of which is within the proposed PP/U of this transfer. Transfer No. 75808 proposes to transfer right 63-27213 from this P/D and P/U thus eliminating the overlap. The current P/U and proposed PP/U for right 63-27214 are also served by South Boise Water Company Boise River water shares. 63-27214 is supplemental in nature and will remain so should Transfer No. 75807 be approved. The P/D proposed in Transfer No. 75808 for rights 63-10996 and 63-27213 is the former P/D for right 63-2566, which was transferred to the new East Junior High site via approval of Transfer No. 74308. There are no other overlapping rights for the existing P/Ds and P/Us or the proposed P/Ds and PP/Us. No other water rights need to be involved in processing of the transfers.

Transfer No. 75807 application indicates only 30 acres of landscape are currently irrigated within the P/U due to recent campus development. The applicant provided a copy of a Water Bank application to place the excess 13.7 acres of irrigation authorized under right 63-27214 in the water supply bank. This does not affect transfer processing directly, as the validity of the right is not in question due to the fact that the right was decreed within the past 5 year period.

Transfer No. 75807 proposes to transfer right 63-10996, which is currently in the Water Bank. IDWR state office staff confirmed the right is in the bank and is currently all available for lease, therefore available for transfer. The application indicates the applicant intends to remove right 63-10996 from the water supply bank upon approval of the transfer, therefore they are aware of

the fact that the right is in the bank currently and must be removed prior to use at the proposed site, should the transfer be approved.

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 draft approvals.

Condition 046 n/a since a new well(s) is not proposed.