

MEMORANDUM

TO: Transfer Nos. 73827 and 73829
(to be combined and approved under new transfer #76211)

FROM: Sharla Curtis

DATE: January 5, 2010

RE: Evaluation of Sufficiency of Information Submitted

The purpose of these transfers is to provide mitigation for two new applications for permit in the name of separate entities by removing a total of 22.5 acres from irrigation within the boundary of the service areas of Middleton Mill Ditch Co. and Middleton Irrigation Assn. Inc. The two applications include consumptive use resulting from excavation of numerous ponds.

Contact persons for the transfer applicants are attorneys Jerry Kiser with Stoppello & Kiser and John Marshall with Givens, Pursley.

Authority to File: Applicants are owners of record.

Water Right Validity: Rights were both decreed within the previous 3 years in the SRBA and are presumed to be valid.

Injury to Other Water Rights: As stated above, these transfers were filed for the purpose of providing mitigation for new applications for permit.

Enlargement of Use: The p/u will not change as a result of the transfer, only the nature of use. A previous transfer approved on these rights (Transfer 70947) contains documentation of calculations used to evaluate the volume of water required to mitigate for evaporation from the ponds proposed for development under a corresponding application for permit. These two new transfer applications propose the same details. The locations of the ponds have been historically irrigated with highly consumptive crops, including alfalfa (as confirmed with 1987, 2004 and 2006 aerial photography). Based on this, evaporative losses resulting from the ponds should not exceed the historical consumptive use irrigation requirement. Using a 1 to 1 swap ratio, enlargement does not appear to be an issue.

Local Public Interest: No negative impacts are anticipated.

Beneficial Use/Conservation of Water Resources: Application proposes b.u. 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.

These transfers are a bit unusual because of previous approvals for ground water recharge and ground water recharge storage. Current processing standards necessitated the change in those uses to aesthetic storage and diversion to storage. See Steve Lester's letter of 9/15 and the subsequent document signed by the applicants authorizing the change in nature of use terms and combining the two transfer approvals under one new transfer number.

All other rights under the irrigation entities will be processed as "associated rights" in the transfer for purposes of updating the number of acres authorized within the large pou.

Courtesy copies will also be sent to the Boise River Watermaster.

Assuming protests are not filed and/or other information does not contradict the above analysis, and assuming it is determined the applications should be approved, the conditions listed on the draft approval should be applied.