

## **MEMORANDUM**

TO: Transfer No. 73778 File

FROM: Vicky Music

DATE: February 5, 2010

RE: Evaluation of Sufficiency of Information Submitted

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The transfer proposes to add a POD to the Canyon Co. Water Co. right nos. 63-163, 63-179B and 63-21761. The proposed POD is owned by Richard Porter. Adding this POD will make CCWC's delivery of Mr. Porter's 23 ½ shares more efficient.

The site is 3 miles west of Star and east of Lansing Lane. The Boise River is adjacent to the POU on the south.

The contact is the applicant.

### **Deviations from Transfer Policy Standards**

Consultant, Scott King, SPF Water Engineering, LLC, submitted the application on behalf of the applicant. The cover letter accompanying the applications states that SPF should be contacted for additional information or with questions. However, Part 1 of the application states that the applicant is not represented by a consultant.

The original application proposed the additional POD for 1 right only. Pursuant to a letter from IDWR, the applicant amended the application to include all of its rights that will be diverted from the new POD.

The total quantity of the rights transferred is 80.37 cfs. The fee for this quantity would be \$2217.40. The process requests only an additional POD to allow more efficient delivery of shareholder Richard Porter's 23.5 shares, or 0.47 cfs, so the fee was reduced. The reduced fee [\$250] was calculated based on the 0.47 cfs.

There are no other deviations from policy.

### **Summary of Information Submitted**

#### **Authority to File:**

The applicant is owner of record of the water rights in the IDWR database.

#### **Water Right Validity:**

Right presumed to be valid because the partial decrees were issued by the SRBA Court on 1/9/2009, within the past five year period.

#### **Injury to Other Water Rights:**

No injury is expected because there are no water supply issues on the segment of the Boise River between the prior POD for Richard Porter's shares and the proposed POD.

**Enlargement of Use:**

No enlargement is proposed or expected from adding this point of diversion. The application specifically states that diversion from the applicant's original POD will be decreased by 0.47 cfs.

**Local Public Interest:**

There are no public interest issues.

**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.**

**Additional Information/Analysis and Discussion**

The POD that has historically delivered Mr. Porter's 23.5 shares is approximately 3 miles east of the proposed POD. Attachment 9 furnishes details of the additional POD and states that it will allow delivery of Mr. Porter's shares to be less cumbersome.

No additional information is required from the applicant, nor is additional IDWR analysis needed.

IDWR will solicit Watermaster comments. There is no need to solicit comments from other water users or entities.

The SRBA status was provided above in the *Summary of Information Submitted* section of this memo.

POD overlapping rights include 63-12550, owned by Richard Porter. The POD being added was developed under the Porter right. POU overlaps are 63-32523 from the Lawrence Kennedy drain and 63-32524 from unnamed drains.

Mitigation and the Water Bank are not issues.

The transfer would ordinarily be advertised statewide because the quantity of one of the rights being transferred, 63-21761, is for a quantity greater than 10 cfs. However, because the quantity actually affected by the transfer is 0.47 cfs and the purpose is to add a POD, the transfer will only be advertised in Ada and Canyon Counties, where the transferred rights are located.

**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.

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