

MEMORANDUM

TO: Transfer No. 69237 File

FROM: Michele Edl

DATE: November 2, 2009

RE: Evaluation of Sufficiency of Information Submitted

The purpose of the transfer is to change the POD from Lt 3 NWNE to the Lt 1 NENE S25 T4N R1E because sediment is blocking water flow to the existing POD.

The proposed POD is located on the Boise River about 1000 feet upstream from the Glenwood Bridge.

Current contact information for the appropriate and responsible party has been requested.

Deviations from Transfer Policy Standards

This transfer was advertised in July of 2001 (without protest), in an effort to expedite construction of the proposed point of diversion.

The Western Region agent assigned to this transfer in 2007, found employment elsewhere and processing was stalled until the date of this memo due to shifts in processing priorities and time constraints.

Summary of Information Submitted

Authority to File: The applicant is registered with the ISOS, No. C83568. The applicant is the owner of record. The president of the homeowners association in 2001, Rod Bulcher, signed the application.

Water Right Validity: The Right is presumed to be valid because the partial decree was issued on 2/16/2007, which is within the past five years.

Injury to Other Water Rights: No injury is expected. The diversion is for a non-consumptive use and will be under watermaster control.

Enlargement of Use: No enlargement is proposed. Decreed Right 63-9751 was licensed for 3.21 cfs and 2324 afa.

Local Public Interest: No negative impact anticipated. The application was advertized without protest in 2001.

Beneficial Use/Conservation of Water Resources: The applicant 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 &/or Analysis

Confirmation of a current, best point of contact would be ideal. But the transfer is relatively simple one, requesting only a change to the location of the point-of-diversion. Processing was nearly complete in the Western Region office in 2007 and the final steps can proceed without that contact confirmation.

It is not clear whether or not the point-of-diversion change was an accomplished change by 2007. The standard form requesting watermaster comment was sent to and received from Lee Sisco in 2007. But there has been an administration change in Basin 63 since the origination date of this transfer. I contacted the new watermaster Rex Barrie to confirm whether or not the change had been accomplished.

Mr. Barrie was unaware of the existence of this diversion until my phone call. I emailed him a copy of the application map and assisted by that map and Google Earth images, he was able to confirm its location at the new site during a 10/28/09 field visit. In his confirmation message to me, Mr. Barrie stated that although this diversion takes from the Boise River, there is no provision for watermaster control. It does not have a lockable headgate or a measuring device in place.

There is evidence in the Beneficial Use Field Report for this right that this use may not always be a non-consumptive. The watermaster may be justified in also requiring a measuring device at the point where this diversion discharges back to the river.

On 10/30/2009 I sent a letter to the applicant at the address of record and to other addresses listed in ISOS. I requested confirmation of continued interest in the transfer, notified the applicant that their diversion had not been approved and that prompt action (within 14 days) from them was expected. Mr. Barrie was sent a copy of the letter and I provided his contact information to the applicant in the letter's ankle notes.

Discussion

Timing of the decree complicated the prompt data entry and processing of this transfer. It was necessary to pull the decreed right into this transfer and replace the recommended/claimed version which was used during initial data entry.

I created the point of diversion shape at the new location and re-connected the existing place-of-use shapes.

License conditions were also stripped away in the decree process. Approval conditions for this transfer include explanatory remarks from the SRBA Recommendation.

Summary

Assuming other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.