

MEMORANDUM

TO: Transfer No. 73801 File

FROM: Vicky Music

DATE: August 13, 2009

RE: Evaluation of Sufficiency of Information Submitted

This transfer proposes to change the place of use and add a point of diversion to water right 63-2757. The applicant originally intended to sell part of the place of use without water rights. He intended to move a portion of the water right to other land he owned. However, due to the current economy, he changed his mind so the only change that this transfer will accomplish is adding a POD on an unnamed drain. The source is an unnamed drain, known locally as the Hubbard Beal Drain, tributary to Indian Creek.

The site is in Ada County, approximately 1.5 miles northwest of Kuna and southeast of the intersection of Black Cat Rd. and Locust Lane. Contact person is the applicant, Jerry Frederick. The application was submitted by ERO. I contacted ERO and Dave Shaw gave me permission to contact the applicant directly.

Deviations from Transfer Policy Standards

The application is a modification of the one in use in 2005. ERO computerized the IDWR form so that although the pages and items do not always correspond to our standard form, all of the required information is included.

There was a note in the file so contact ERO before processing to confirm the applicant's intentions. I e-mailed Dave Show, ERO. Dave replied that he had not been in contact with the applicant in a while so I could contact his directly. Mr Frederick changed his mind about what he wanted the transfer to accomplish and came in to the office to amend the application.

The application was amended to reflect his current address [which had already been changed in IDWR records], change the purpose of the transfer to add a POD only, and clarified that Nampa Meridian Irrigation district shares were used on the POU as well as Boise Kuna shares. The original application map was superseded and an updated map was included as an amendment.

Summary of Information Submitted, Additional Information and Discussion

Authority to File: Jerry Frederick is the IDWR owner of record of this right.

Water Right Validity: Right presumed to be valid because the partial decree was issued on 6/12/2008 within the past five year period.

Injury to Other Water Rights: No injury is expected by adding a POD. The applicant owns most of the property between the original and added PODs.

Enlargement of Use: The transfer does not propose an enlargement of the underlying right.

Local Public Interest: There are no obvious public interest issues.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use(s) 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.

No additional information is needed from the applicant nor is additional IDWR analysis needed. The applicant intends to put the water in the water bank.

A comment letter will be sent to the Basin 63, Boise River Watermaster

SRBA status was discussed previously in this memo.

This right is supplemental to Nampa Meridian and Boise Kuna Irrigation District shares. The applicant has a groundwater right, 63-8609B that partially overlaps the POU of 63-2757. The conditions will limit the use of water on 1 inch / acre.

Mitigation is not proposed in this 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.

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