

MEMORANDUM

TO: Transfer No. 75263 and Amendment Nos. 75489 and 75490

FROM: Kay Walker

DATE: July 13, 2009

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to add existing water rights to the current place of use, known as Twenty Mile South farm that is operated by the City of Boise, for disposal of sediment from sewage ponds. The transfer and amendments will allow integration of 17 decreed rights and 2 permits for the use of 12 wells and the irrigation of 3,320 acre place of use.

The site is located off of South Cloverdale Road in the Snake River Birds of Prey area.

Contact person, for the transfer application, is Paul Wakagawa of the Boise City Public Works Department at 938-8093. Contact person, for the amendment applications, is Lori Graves of SPF Water Engineering at 383-4140.

Deviations from Transfer Policy Standards

This transfer was submitted in good form with the exception of the amount of water being transferred. In review of the records it is noticed that Rt. 63-8435 is conditioned limiting the amount of water to 13.54 cfs when combined with Rts. 63-3013, 63-3014, 63-7047 and 63-7055A. These are all the rights being added to the current integrated system so the total amount of water being transferred is not 53.37 cfs, but is only 51.07 cfs due to limitation on Rt. 63-8435. It is also noted that the volume of water on the transfer form is not correct. The volume shown under item B(2) describes a volume of 10222.6 af after the change. That amount is the volume authorized under previous transfer No. 4901 approved in 1998 and the application should reflect an increased amount of 14,499.3 af/annum (10222.6 + 4276.7).

The rights involved have all been partially decreed and updated to water right records. The transfer proposes to develop an integrated system comprising of 12 wells that will be used to irrigate 3,320 acres. The City has had a prior transfer that accomplished an integrated system of 7 wells for the irrigation of 2,268 acres. The City has also proposed amending 2 permits to be used in conjunction with the 12 wells and 3,320 acres. The wells were permitted and decreed with forty acre tract descriptions so the final documents will reflect the forty acre tract description.

Summary of Information Submitted

Authority to File: City of Boise is the owner of each of the water rights involved with the transfer application and the two permit amendments.

Water Right Validity: Rights presumed to be valid because the partial decrees were issued in February and April of 2009, within the past five year period. Proof of beneficial use of the permits is due in 2010.

Injury to Other Water Rights: There should be no injury to other rights since these rights have been used in the area of the 3,320 acre place of use and the wells are all in place for this proposal.

Enlargement of Use: No enlargement should occur since the wells and place of use are currently under decreed and permitted water rights.

Local Public Interest: It is within the public interest to allow an integrated irrigation system for the Citys use in dispersing of sediment from sewage ponds.

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

Watermaster comments are not necessary for the use of these wells. The points of diversion and place of use are not within any problem areas.

Discussion

Data entry affected the SRBA record of Rt. 63-3013. We have updated each of the partial decrees to water right records and have also changed the record for Rt. 63-3013 so the data entry can be done on all 17 records using the current water right information.

The permit amendments are proposed to add one point and remove one point of diversion (no change in points of diversion, just clarification of the location of this point) and change the places of use under the permits. There are no overlapping rights at the proposed places of use under the permits. The permits are limited to 595 acres within a 760 acre place of use when combined. This will not change after the amendments are processed.

The permits were issued using Rt. 02-2268B as mitigation for these new rights. The conditions on the permits should not change as a result of the amendment applications.

SRBA status was finalized on the 17 decreed rights during February and April of 2009.

There are no overlapping rights at existing &/or proposed place of use under the transfer. These rights have been used at the property to be irrigated from the wells that are already in place. There are 3 domestic and stockwater rights within the NWNW, Section 35, that are not included in this proposal. Those rights are also in the name of the City of Boise and should not be a problem.

There were 2 rights that have been disallowed in the SRBA that would have overlapped the place of use. These rights were numbered 63-7078A and 63-7755A; since they were disallowed there is no problem with them at this time.

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 is not applicable since new wells are not proposed.