

MEMORANDUM

TO: Exchange No. 75007 File, Water Right No. 65-2927A, Cascade Reservoir

FROM: Steve Lester

DATE: September 2, 2008

RE: Evaluation of Sufficiency of Information Submitted

The exchange proposes to replace 2800 af of flow augmentation storage water from the upper Snake River system with the same amount of storage from Cascade Reservoir. Flow augmentation releases will continue to be targeted for the lower Snake River system.

Contact person for the applicant is Brian Patton at SO.

Some exchanges do not neatly fit the application form, such as in this case. I consulted with the Permits Section Manager, Shelley Keen, resulting in the amended application for the best fit for this scenario. Some liberties were taken in that regard: assumed name connector ("and/or"), upper Snake water rights are not listed by number¹, maps are not needed for prominent locations noted in the proposal, etc.

Although not a perfect fit for the form, the intent of the application is clear.

Summary of Information Submitted

Authority to File: The applicant has authority to fill the application in conjunction with the right owner/co-applicant, the Bureau of Reclamation (BOR). Application Attachment B is the agreement between the parties in this matter. The exchange does not change ownership of the right.

Water Right Validity: Right 65-2927A is valid based on the 2003 SRBA decree in addition to continued maintenance and use of Cascade Reservoir for storage uses and storage releases as conditions warrant.

Injury to Other Water Rights: Injury is not expected under this proposal. Flow augmentation from Cascade Reservoir will be subject to IC § 42-1763B and to a private agreement (Application Attachment B). Also, Payette River Watermaster comments received 8/21/08 lend more support to the "no injury" conclusion.

Enlargement of Use: Enlargement will not occur.

¹ Those right numbers are not needed. Flow augmentation under those rights has been by contract – not really changing those rights.

Local Public Interest & Impacts to Local Economy: Flow augmentation serves the public interest noted by IC § 42-1763B. No adverse impacts to local economies are found.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho. Flow augmentation is one piece of many that most likely preclude even larger releases of Idaho water, thereby conserving water in a broader sense.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-240 preventing processing of the application.

Discussion

The Payette Watermaster supports this application (8/21/08 response). The Upper Snake River Watermaster has not replied and might not – acceptable under current standards where no reply indicates support for a proposal. There is not a need for affirmative comments from the latter Watermaster in this case.

Transfer 68000 (old # 4287) is pending in the database for 65-2927A. I believe that is an old application filed by BOR around the early 1990s when flow augmentation was originally proposed. That old transfer application, along with numerous others for similar BOR storage facilities, was replaced by legislative approval for flow augmentation as previously noted in this memo. Transfer 68000 does not complicate this new exchange application.

Right 65-2927B is another storage right for Cascade Reservoir. It does not need to be included as an associated right since it is not affected by the proposal.

The application acted on the correct record (partial decree).

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.