

MEMORANDUM

TO: Transfer No. 74752

FROM: Kay Walker 

DATE: September 08, 2008

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to repair an existing diversion structure and add a point of diversion on Dry Creek, and correct the location of existing point of diversion on Spring Valley Creek which was mislabeled in SRBA as "Spring Creek Ditch" and "Spring Creek". The transfer also proposes to create a permissible place of use for each of the rights listed in the transfer and modify the permissible place of use listed on two of the rights that have a decreed permissible place of use.

The site is at the confluence of Spring Valley Creek and Dry Creek two miles NE of Eagle.

Contact person for the applicant is Lori Graves, Water Rights Specialist at SPF Water Engineering, LLC at 208-383-4140.

Summary of Information Submitted

Authority to File: The applicant is the right holder of record pursuant to decrees issued April 10, 2007.

Water Right Validity: Right presumed to be valid because the partial decrees were issued on April 10, 2007 (within the past five years).

Injury to Other Water Rights: There should not be any injury to other rights due to this transfer application. There are no overlapping rights for place of use or points of diversion. There are other water rights (63-4247, 63-4219G & 63-4219J) diverted from Dry Creek in the SWNW, S35, T5N, R1E but those rights have earlier priority dates than any of the rights shown in the transfer application so they should not be injured by this application since they bear senior priority dates. The proposed point of diversion under this application will not utilize the point under existing earlier rights per discussion with applicant's consultant.

Enlargement of Use: There will be no enlargement of these rights. The permissible place of use (ppu) has been previously decreed under two of these rights. The transfer will authorize the same ppu in size and location with exception of 2 acres being relocated.

Local Public Interest: This transfer is in local public interest because it will provide a scenic stream and park for wildlife habitat through the applicant's property along with repairing the current diversion structure which was blown out previously.

Beneficial Use/Conservation of Water Resources: The application proposes a 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

Additional IDWR analysis needed would be review by our stream channel alteration expert. Pursuant to the applicant, the Corps of Engineers has stated a permit would not be necessary for work on the existing diversion structure. The re-vegetation of the stream channel bank may need review and guidance from our expert.

Watermaster comments should be solicited from the Boise River Watermaster.

Discussion

Data entry affected the water right records prior to partial decrees being migrated into water rights data base. The data entry should be based upon the partial decrees migrated into data base on 6/17/2008.

SRBA status: Rights were decreed April 10, 2007.

Overlapping rights at existing &/or proposed P/U do not exist. See paragraph under "Injury to Other Water Rights" above. All rights on this place of use are included in transfer application.

Mitigation is not required for this transfer 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.