

MEMORANDUM

TO: Transfer No. 74308 File

FROM: Angie Grimm

DATE: July 18, 2008

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the P/D, P/U, and create a PP/U for irrigation right 63-2566, owned by the Independent School District of Boise City, for the new East Jr. High property.

The new East Jr. High school will be generally located off Warm Springs Ave. just NE of the intersection of Warm Springs Ave. and Lysted Rd. approximately ¼ mile east of the Harris Ranch Subdivisions in the Barber Valley.

Summary of Information Submitted

Authority to File: The transfer applicant is the current water right owner on record for 63-2566. The applicant has exchanged the property to which the water right is currently appurtenant to for the proposed P/U parcel, previously owned by Boise State University. The water right was retained by the applicant per page 6 of the Land Exchange and Joint Use Agreement (Attachment D, D7), thus it is available for transfer. The applicant has authority to change their right.

Water Right Validity: The right is presumed valid based on the pending SRBA recommendation. The SRBA objection period is over and objections were not filed.

Injury to Other Water Rights: No injury should occur provided the drilling and use of the proposed well does not interfere with nearby existing wells. As a ground water right, the proposed P/D use is subject to reasonable pumping level provisions per Section 42-226, *Idaho Code* and applicable court decisions. The proposed P/D and current P/D are within the Boise Front Ground Water Management Area.

Enlargement of Use: The applicant does not propose to enlarge the use. Diversion rate, volume and acres irrigated will be limited to current amounts. The transfer, if approved, will create a PPU for irrigation of the 11.6 acres within a 21.5 acre PPU.

Local Public Interest: Allowing the applicant to transfer their water right for use at a new school facility serves the local public interest.

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.

Discussion

The adjudication record proposed for change has been recommended without objection in the SRBA. A partial decree has not been issued as of the date of this memo. Data entry for this transfer will act on the adjudication recommendation record of 63-2566. The recommendation is based on a water right licensed prior to the adjudication.

Department records indicate there are no overlapping water rights for the current P/D or P/U for the right. The proposed P/D well has not been constructed, therefore has no overlapping rights. According to applicant's remarks, the water rights previously appurtenant to the proposed P/U were withheld by a previous owner prior to BSU acquiring the land and subsequently exchanging it with the current P/U property. The warranty deed submitted with the application documenting sale of the proposed P/U property to Brighton Investments, who then sold it to BSU, confirms the applicant's statement. Also, the applicant remarks indicate the proposed P/U is within an irrigation district/company service boundary, but the property is not assessed or delivered shares. Therefore, the proposed P/U has no overlapping rights.

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.