

MEMORANDUM

Date: December 24, 2003
To: Transfer 66703
From: Shelley Keen
Re: Transfer Review

Transfer 66703 proposes the conversion of 14 acres of irrigation under SRBA Claim 63-230F to several other purposes associated with the establishment of two small ponds and a water amenity within the landscaped area of the new Blue Cross of Idaho office complex. Part of the purpose of the transfer is to mitigate for the diversion and use of ground water under Application 63-12425 to maintain the ponds and to irrigate when canal water under 63-230F is not available.

Authority to File:
Name of applicant matches IDWR records.

Water Right Validity:

Aerial photography from 1987 and 1994 shows that the land involved in this transfer was not irrigated. Aerial photography from 2000 shows that the development proposed in the transfer has already taken place. Despite the apparent history of non-irrigation, forfeiture is not an issue because the right has been claimed and is still pending in the SRBA and because Section 42-223(7), Idaho Code, protects irrigation districts from forfeiture caused by the action of an individual land owner.

Injury to Other Water Rights:

Because the source of water, point of diversion, place of use, and season of use are not changing, and the conversion from one nature of use to another will be offset by reducing the current use, no injury is anticipated.

Enlargement of Use:

Irrigation use will be reduced by the amount necessary to offset the rate, volume and consumptive use associated with the new water uses.

Local Public Interest:

No negative impacts anticipated. Because of the small size of the project, economic impacts will be minimal.

Beneficial Use/Conservation of Water Resources:

The proposed water uses are recognized as beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.