

## MEMORANDUM

TO: Transfer No. 72109

FROM: Lori Graves

DATE: 7/08/2005

RE: Evaluation of Sufficiency of Information Submitted

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The purpose of the transfer is to retire 29.3 acres from irrigation and provide .59 cfs for ground water recharge to mitigate the consumptive uses resulting from excavation of three ponds and supplemental irrigation from storage of 75 acres proposed on accompanying application for permit no. 63-32142. Water will continue to be used for the new and existing uses within applicant's service area generally located north of the Boise River between Star and Caldwell. The retired acres, proposed pond and supplemental irrigation are located about 1 mile west of Star between Hwy 44 and the Boise River. The site is aka the River Ranch development.

Contact person for the applicant is Bryce Farris with Ringert Clark.

**Authority to File:** Applicant is the owner of record. President Frank Phillips signed the application.

**Water Right Validity:** As a result of a transfer review meeting held 7/7/05 between Dave Tuthill, Jeff Peppersack, Debbie Nelson, Bryce Farris and myself, Dave Tuthill confirmed that this transfer can proceed based on the SRBA claim. ArcView photos confirm the subject property has been irrigated and are located within the water co. service area. Dave Tuthill is in charge of reviewing the remaining irrigation district claims in the SRBA.

**Injury to Other Water Rights:** None anticipated. Applicants state that in an effort to prevent injury, this transfer serves as mitigation for application no. 63-32142. Discharge will be to ponds within the water co. service area, resulting in groundwater recharge and resultant river gains. Quality of return flow may also improve due to reduced overland flow to drains, resulting in reduction of sediment load.

**Enlargement of Use:** Net consumptive use of water and acres to which the water will be applied will not increase. Deb Nelson, attorney for the pond developer, confirmed that alfalfa was one of the historical crops grown. The change in nature of use was based on a "1:1 pond swap", where 1 acre of retired irrigation mitigates 1 acre covered with pond. This is acceptable per department standards. The pond site is located between Boise and Caldwell. Based on the Allen-Brockway report, the consumptive use for alfalfa at the Boise site is 2.95 af/ac and 3.07 af/ac at the Caldwell site. Applicants used an acceptable average of 3.0 af/ac in their calculations. The transfer will be subject to the following condition:

"Transfer 72109 authorizes the diversion of water for ground water recharge in the amount of 50.4 af to be used for replacement of losses caused by evaporation from the 16.8 acre total surface area of three (3) aesthetic ponds and 37.5 af to be used for supplemental irrigation on 75 acres authorized for irrigation use under right 63-32142."

**Local Public Interest:** No negative impacts are anticipated.

**Beneficial Use/Conservation of Water Resources:** Applicants propose b.u. 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 & Analysis:** At the direction of Steve Lester, applicants filed the transfer application listing mitigation use. After clarification from the SO, Steve had the applicants amend the mitigation use to ground water recharge. See attached correspondence from Steve dated 4/20/05.

This transfer has been filed to mitigate consumptive uses proposed on the accompanying application for permit 63-32142 proposing 16.8 acres of aesthetic ponds (3) and 37.5 af supplemental irrigation on 75 acres. As a result of the transfer, applicants will change the nature of use from irrigation to gw recharge for .59 cfs applicable to 29.3 acres: 16.8 acres for ponds and 12.5 acres for supplemental irrigation. With regards to the supplemental irrigation, applicants wish to store surface irrigation water in the ponds when available and use the stored water when surface irrigation water is not available (during the beginning and/or ending of the irrigation season). This proposal was discussed at an administration meeting between Gary S., Jeff P., John W. and Steve L. 4/05, in which the issue of enlargement was determined not applicable because applicants are not proposing to use more water on more acres, but rather only to shift the irrigation use time.

Appurtenant share certificates were attached to the transfer application in the names of Jean Urrusono, Steve Gledhill and Linda Turner. Application for permit 63-32142 states that Jevin Investments have binding and enforceable contracts with these parties to purchase the land at issue.

Permit 63-12551 for three ponds in the name of Stephen Gledhill overlaps a portion of the proposed pond sites. This water right will be abandoned and existing ponds filled upon approval of this application. See correspondence from Debbie Nelson dated 6/15/05 for specific details regarding the abandonment of water right 63-12551.

Drainage District No. 2 water right 63-2406 for wastewater also appears as an overlap. This right represents return flows that are collected throughout the drainage district's service area, when available. The collected wastewater is then equitably distributed by

the Boise River Watermaster to delivery organizations within the drainage district. Drainage District No. 2 will be sent notice.

The Boise River Watermaster will be notified.

Canyon County Water Co. also filed SRBA claims 63-163, 63-179B, 63-3618C, 63-21761 and 63-21762 that lists the same p/d and service area. Please note that 63-3618C is for storage water in Lucky Peak that is contracted from the Bureau of Reclamation. The claim has been disallowed in the SRBA because the water and use is covered on a bureau claim. 63-21762 represents wastewater delivered through Drainage District No. 2 as discussed above. This claim will likely be disallowed because the water and use is covered on drainage district claim 63-2406. Administration determined that the disallowed rights and Lucky Peak storage right should not be included as associated rights.

**8/24/2005 Update:** As a result of today's meeting, administration determined that drainage district rights do not need to be included as associated rights on appurtenant transfers because of their delivery uniqueness, making them more akin to large storage rights rather than direct flow rights. Consequently, the recommended SRBA claims for the drainage district will not list specific acres, but instead, be limited to the authorized number of irrigated acres within the boundaries of the associated delivery companies.