

MEMORANDUM

Date: July 10, 2003

To: Garth Newton

From: Jeff Peppersack 

Re: Review of Mitigation Plan for Transfer 70627 and Companion Transfer **70104**

The attached mitigation plan was submitted by Rocky Mountain Environmental for two water right transfer applications in the name of Robert or Donna Bybee. The first transfer (no. 70627) proposes to change point of diversion and place of use for 27 acres of irrigation from ground water rights within the ESPA. The second transfer (unnumbered) proposes to dry up 6 acres of irrigation (remaining portion of right to be moved in transfer no. 70627) and create a 3.75-acre pond in an area outside the ESPA.

I ran the ESPA transfer spreadsheet for transfer no. 70627 and, although my results were slightly different, the negative effects to reaches of the Snake River appear to be within 5%. The second transfer proposes a move from T7N R35E S36 NENWNW (within ESPA) to T13N R42E S24 SWSW outside the ESPA and cannot be analyzed using the spreadsheet. I have several questions and concerns related to this transfer:

1. The consultant did not provide information regarding historic beneficial use of water for the water right. The IDWR standard of 3.0 afa per acre was used for irrigation consumption; the actual historic consumption may be less. I suggest using the standard for review purposes; the applicant will be required to provide additional information to continue processing.
2. The consultant analyzed the transfer effects to the Snake River by summing effects from individual reaches and presenting a total effect to the Snake River. This does not provide a basis to evaluate injury to individual reaches as required by our transfer processing guidelines.
3. Most importantly, the transfer proposes a move from within the ESPA to an area around Island Park Reservoir outside the ESPA. This is also a move from within the Trust Water Moratorium area to the Non-Trust Moratorium area. We need additional review to verify the ground water relationship between the existing and proposed areas and the effects of the pond within the Non-trust area.