

MEMORANDUM

TO: Transfer File No. 70947

FROM: Lori Graves 

DATE: 8/03/04

RE: Evaluation of Sufficiency of Information Submitted

Brief: Applicant proposes changing 16 acres from irrigation to ground water recharge as mitigation for six applications for permit proposing a 16.93 acre pond system. The site is located approximately three miles east of Star, south of Hwy 44. See accompanying applications for permit nos. 63-31811 through 63-31814, 63-31974 and 63-31975.

Contact person for the applicant is Roger Wright with CSHQA and Jerry Kiser with Stoppello & Kiser.

Authority to File: Applicants are owners of record. Company officers are listed in Jerry Kiser's letter, attachment B. The ponds are to be located in the NE, S15.

Attachments C1 and C2 indicate that the W½ NE is owned by Castle Rock Development, Inc. Attachment C3 shows that Reed and Gayann DeMordaunt are President and Secretary of Castle Rock Development. A Middleton Mill Ditch Company certificate appurtenant to the property in the DeMordaunts names has been included as attachment C4.

Attachment D1 shows that the E½ NE is owned by the Harrison Fund LLC. Attachment D2 shows that Wylie Griffith is a member of the Harrison Fund LLC. A Middleton Mill Ditch Company certificate appurtenant to the property in the name of Harrison Fund LLC has been included as attachment D3.

The narrative for Rivervine Subdivision (attachment E) states that Reed DeMordaunt (Castle Rock Development) owns 53 acres of the subdivision and Wylie Griffith and Reed DeMordaunt jointly own the remaining 31 acres.

Note that attachment D1 does not indicate that Mr. DeMordaunt is a joint owner of the E ½ NE property, however, this is n/a with regards to the transfer application. The above ownership explanation only explains the names on the appurtenant, attached Middleton Mill Ditch share certificates.

Water Right Validity: Right presumed to be valid based on pending SRBA recommendation.

Injury to Other Water Rights: In an effort to prevent possible injury, this transfer serves as mitigation for applications 63-31811 through 63-31814, 63-31974 and 63-31975. In his narrative, Roger Wright stated that downstream shareholders should not be impacted because the developers are the final water users on Middleton Mill Ditch before its confluence with the Boise River. Roger also anticipated no change in the quantity of return flows to the Boise River.

Enlargement of Use: Applicants indicate that the place of use will not change as a result of this transfer, only the nature of use. 16.93 acres of cropland will be converted to six ponds. Roger Wright provided calculations in attachment E that indicated the ponds would actually consume less water than the alfalfa crop historically grown on the property based on the difference between the net pond evaporation and the consumptive irrigation requirement for alfalfa. Enlargement does not appear to be an issue based on Roger's calculations.

Local Public Interest: No negative impacts are anticipated.

Beneficial Use/Conservation of Water Resources: Applicant proposed 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 this application.

Additional Information: Roger Wright initially submitted a package for 20.74 acres of ponds and offered .24 cfs (12 shares/acres) for ground water recharge 9/29/03. Jeff Peppersack reviewed Roger's evaporation calculations and found that he had focused on diversion rate rather than volume. Based on Roger's calculations, Jeff found that the proposal required retirement of 19.3 shares/acres, .39 cfs and 57 afa. The transfer package was returned for revisions. Roger then submitted a revised package 3/11/04 for 16.92 acres of pond area and offered .24 cfs (12 shares/acres) which was still short, although the pond surface area was decreased. The transfer package was returned for revisions. Roger then submitted another revised package 4/2/04 for 16.92 acres of pond area and offered .32 cfs (16 shares/acres). This package was acceptable, however, the CSHQA and the developer then decided to divide a large pond into three smaller ponds for a total of six ponds rather than four ponds. Total pond surface area and volume was not affected. IDWR received the final package 7/29/04.

Please note that the generally accepted one to one swap of 16.93 acres pond surface area vs. irrigated lands, would account for .34 cfs (17 shares/acres), however Roger's extensive evaporation calculations, which were approved by Jeff, supported .32 cfs (16 shares/acres).

Discussion: Six applications for permit, nos. 63-31811 through 63-31814, have been submitted for the ground water resulting from development of the four ponds. Rivervine Subdivision consists of 84 acres. 61 shares of Middleton Mill Ditch water are appurtenant to the property (attachments C4 and D3). 16 of those shares will be used for

ground water recharge as a result of this transfer. Applicants preferred changing the nature of use to groundwater recharge rather than aesthetic storage for the 16.93 acres of proposed pond area. As advised by the SO, the transfer will be subject to a special condition clarifying that the recharge is for pond mitigation, not to be reclaimed for future use.

Overlaps include water rights held by Middleton Mill Ditch and Middleton Irrigation District. Both these entities share a common delivery system and service area. Jerry Kiser is the attorney for both entities. He said that both should merge into one but have yet to do so. Mel Schulte, with the SRBA, confirmed that the subject pond area is delivered water by Middleton Mill Ditch and is part of the common service area recommended for decree.

Drainage District No. 2 water right no. 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.

Boise River Watermaster comments have also been requested.

Permit 63-31606 in the name of Castle Rock Development Inc. is for domestic use from ground water for 18 homes within Rivervine and Honalee Subdivisions.

Please note that the developer, Reed DeMordaunt, submitted the attached request to expedite 8/3/04.

Conditions: Assuming protests are not filed and/or other information does not contradict the above analysis, and assuming it is determined the application should be approved, the conditions listed on the draft transfer approval should be applied.