

MEMORANDUM

Date: March 31, 2022
To: Transfer 84773
From: Brian Normandeau
Re: Review & Evaluation of Sufficiency of Information

This transfer serves to update multiple elements of water rights 13-927, 13-928, 13-929, 13-2183, 13-2286, 13-2290, 13-2303 and 13-2305 to reflect the actual water use, address portions of the water rights that are incorrect/inconsistent and bring all elements of the rights in-line with current standards. The proposed changes do not result in any physical changes to the water use and/or distribution system. The following paragraphs present a detailed description of the proposed changes.

Place of Use:

Strong Arm Reservoir Irrigation Company (SARIC) qualifies for a generally described place of use ("service area") described by I.C. 42-219(6). The 7,943-acre large place of use demonstrates the area that is physically serviceable by the company's existing water distribution system, and will be assigned to the Irrigation, Irrigation from Storage and Domestic from Storage elements all the rights being transferred. Representing the serviceable area as one common POU aligns with IDWR's current standards for similar situations where multiple rights are used to supply one system, versus individual rights having discrete places of use. The place of use proposed for the Irrigation Storage and Domestic Storage elements are the two areas where the Strong Arm Reservoirs exist.

Rights 13-2183, 13-2286 & 13-2290 were licensed with a common 908-acre place of use, and rights 13-2303 & 13-2305 were licensed with a common 2,135-acre place of use. These two unique places of use fit mostly within the proposed POU and the original service boundary established for rights 13-927, 13-928 & 13-929 by the 1920 Dietrich Decree.

Nature of Use & Point of Diversion:

Rights 13-929, 13-2286, 13-2290, 13-2303 and 13-2305 authorize a total combined storage volume of 2,404 acre-feet from Battle Creek. This volume represents the capacity of the applicant's two water storage dams. Strong Arm #1 Dam creates an on-stream reservoir on Battle Creek, and Strong Arm #2 Dam is located off-stream. Right 13-929 is the most senior storage right. It has a volume limit of 688 AF which represents the capacity of Strong Arm #1 Dam after original construction. The other rights were developed later in time as the original dam was enlarged, and Strong Arm #2 Dam was constructed. The individual volume limits of the additional rights demonstrate the storage capacity that was added by each dam modification. These five (5) rights have a Diversion to Storage element added in this transfer with a diversion rate of 46 cfs. This represents the capacity of the two systems that can divert water from Battle Creek, and convey it to the off-stream reservoir (Strong Arm #2). This element was not present on the original decrees or licenses, and the proposed rate had not been validated previously. James Cefalo (IDWR) performed a site visit to observe these systems and was able to confirm the validity of the proposed rate. Details of his site observations and calculations can be found in a Memo dated Sept. 1, 2021 in the transfer file.

The proposed points of diversion for the rights with storage elements consist of a point of diversion at each dam ("Strong Arm #1 Dam" & "Strong Arm #2 Dam"), points of injection at the outlet of each dam ("Strong Arm #1 Outlet" & "Strong Arm #2 Outlet"), two points of diversion from Battle Creek to Twin Lakes Canal to fill Strong Arm #2 Reservoir ("Upper Ditch" & "Ditch to Strong Arm #2") and two points of redirection from Battle Creek ("Main Canal" and "Pump Station").

Right 13-2303 also has an irrigation storage element with a 600 AF limit. This water is diverted from Cottonwood Creek and injected into Battle Creek via the Treasureton Canal works. This was developed as an additional water source. The use of this right is conditioned to be used only when there is insufficient water in Battle Creek to fill the two reservoirs. The volume of this right is not additive to the 2,404 AF limit of the Battle Creek rights. Prior to the transfer, this right has both Shingle Creek and Cottonwood Creek as sources; however, the actual diversion is downstream from the confluence of these streams and is more accurately described as only Cottonwood Creek. The proposed diversion rate is 30 cfs, which is understood to be representative of the systems capacity. In addition to the points of diversion associated with the other storage rights, this right has a point of diversion on Cottonwood Creek at the Treasureton Canal headgate, and a point of injection where the Cottonwood Creek water enters Battle Creek.

Rights 13-927, 13-928 and 13-929 have "natural flow" (non-storage) irrigation uses from Battle Creek. These rights are assigned points of diversion for the "Main Canal", the "Pump Station" and "Paskins Ditch" for the irrigation use. The "Paskins Ditch" diversion was only added to the rights with the irrigation use. This was not explicitly stated in the application, but seemed reasonable because the diversion is located upstream from both reservoirs.

Right 13-927 is the only right with irrigation and storage uses, and thus has the points of diversion described for both cases. This right was licensed with a total diversion rate of 70 cfs. At the time this license was developed, it did not explicitly distinguish the portion of the rate dedicated to Irrigation versus Irrigation to Storage. Based on review of diversion records and other historical documents, it is evident the Irrigation rate is 24 cfs, which is the total 70 cfs rate less the 46 cfs Diversion to Storage.

Rights 13-2286 and 13-2290 were both licensed with Domestic Storage and Domestic from Storage as beneficial uses. The transfer proposes removing these uses from 13-2290 and defining an annual volume of 100 AF for Domestic Storage and Domestic from Storage on 13-2286. This volume is not additive to the 984.3 AF of Irrigation Storage authorized by this right, nor the total volume limit of the system.

Right 13-2183 has Ground Water as its source. This well can pump into Battle Creek for Irrigation above the #1 reservoir. The point of diversion for this right is not changed by the transfer.

Season of Use:

The proposed season of use for all Irrigation ("natural flow") and Irrigation from Storage elements is 4/20-9/30, which was the standard season established by the 1920 Dietrich Decree. Right 13-2303 allows diversion to storage from Cottonwood Creek. This element will maintain its season of use which is limited to the non-irrigation season (10/1-4/19) when no other rights are being diverted from the source. All remaining beneficial uses (Diversion to Storage, Irrigation Storage, Domestic Storage and Domestic from Storage) will have a year-round season of use, which is typical for these respective uses.

Authority to File:

The transfer applicant is Strong Arm Reservoir Irrigation Company (SARIC). The application was signed by Clendon Christensen, president of SARIC per Secretary of State records. The proposed POU is the area historically serviced by SARIC, and the infrastructure for the proposed points of diversion and appurtenant irrigating works have been in place for many decades. This entity has operated under different names since its inception. Changes to the companies' title has not been reflected on the water rights. As part of this transfer, all rights are updated to reflect Strong Arm Reservoir Irrigation Company as the current owner with the understanding that no true change of ownership has taken place, and the same entity has always owned these water rights.

Water Right Validity:

Water rights 13-927, 13-928 and 13-929 were decreed as part of the 1920 Dietrich Decree. These rights were developed in the late 1800's when the company was first established. They included elements of natural flow irrigation and irrigation storage from Battle Creek relating to the original development of the irrigation diversion and storage in the #1 reservoir. The decree describes the rights providing irrigation of 3,300 acres within an 8,320-acre service area.

Right 13-2286 was developed by a natural flow irrigation permit (13149) and a storage permit (R-76). The application was submitted 6/21/1917. Proof of beneficial use was not submitted until 11/7/1949. The priority date was advanced to 9/17/1940, which corresponded to completion of the permitted development. The license was issued 12/23/1958, with elements of natural flow irrigation and irrigation storage from Battle Creek.

Right 13-2290 was developed by permit R-689. The priority date is 8/29/1940, which matches the date the permit application was submitted. Proof of beneficial use was submitted 11/7/1949, and the license was issued 12/23/1958 for irrigation storage from Battle Creek.

Water right 13-2303 was developed by permit R-1144. The priority date is 1/18/1963, which matches the date the permit application was submitted. Proof of beneficial use was submitted 12/15/1969, and the right was licensed 10/15/1979. This right provides an additional storage water source from Cottonwood Creek during the non-irrigation season. Based on WD 13M records, this right was delivered spring and fall of 2013 & 2014, spring of 2015 and fall of 2016. In 2017 the additional storage water was not needed. No other diversion records were available.

Water right 13-2305 was developed under permit R-1218. The priority date is 2/8/1963, which matches the date the permit application was submitted. Proof of beneficial use was submitted 11/10/1970, and the right was licensed 6/25/1973. This right authorizes additional irrigation storage from Battle Creek.

Water right 13-2183 was licensed 2/3/1967. This right was developed under permit G-25335. The priority date is 12/20/1954 which is the date the application was submitted. Proof of beneficial use was provided 12/21/1964. This is a groundwater right that was established to provide an additional water source to supplement the existing surface water rights and associated water distribution system. This groundwater right is not administered by a water district, and there are no diversion records available. However, there is sufficient proof that this water right was fully developed, and the lands covered by its place of use show evidence of consistent irrigation.

The applicant produced a map of the areas currently irrigated within the company's boundary to demonstrate that 3,300 acres are irrigated within the system. There is no clear evidence that any of these rights have been forfeited due to non-use.

Injury to Other Water Rights:

The proposed changes accomplished by this transfer do not change the physical system. The changes essentially are for the purpose of updating records. The transfer was advertised statewide; no protests were received. The watermaster did not provide comment on the proposed changes. No issues identified.

Enlargement of Use:

This transfer does not result in an increase in irrigated acres, diversion rate or total storage volume. The total irrigated area serviced by SARIC has remained at 3,300 acres since the 1920 Decree. As previously stated, this transfer is not proposing any physical changes to the water use. The development of the water rights over time has provided additional storage volume as the reservoir capacities were increased, and/or to provide supplemental water sources, but the total acre limit has not increased. The combined storage volume of rights 13-929, 13-2286, 13-2290, 13-2303 & 13-2305 is 2,404 acre-feet reflecting the storage capacity of the two reservoirs. The proposed large place of use is different from that established in the 1920 Decree, but it is consistent with the area that SARIC can physically deliver water with their existing infrastructure. The service area of Treasureton Irrigation Co. partially overlaps the SARIC service area, and there are customers that utilize water shares from both companies, but this transfer does not result in any changes to those overlapping areas. No issues of enlargement identified.

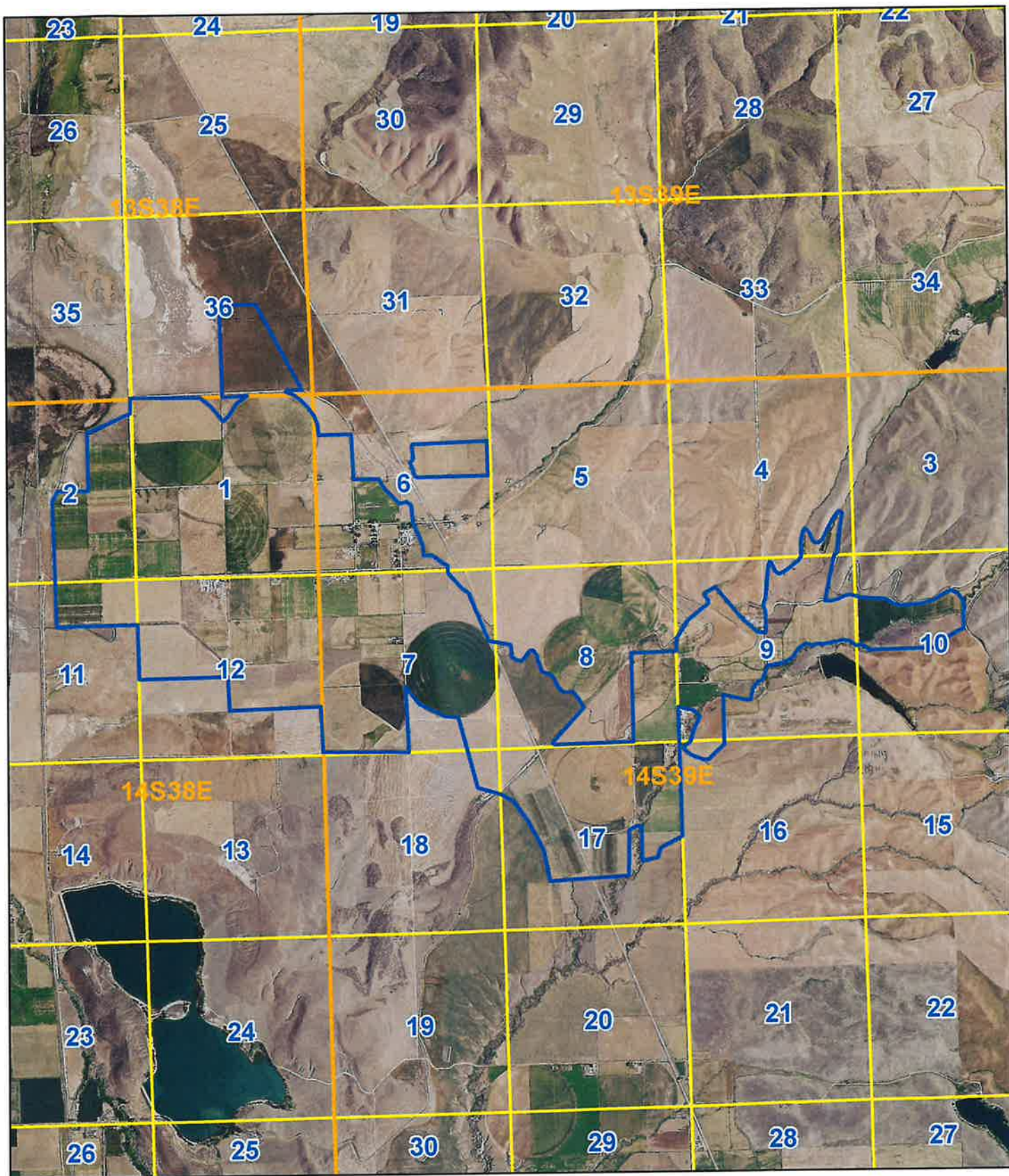
Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

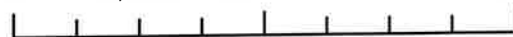
Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.



Legend

-  Township/Range
-  Sections
-  SARIC_Irrigated_Acres

0 2,550 5,100 10,200 Feet



1 inch = 3,902 feet

