

MEMORANDUM

Date: April 28, 2020
To: Transfer 83953
From: Scott Storms
Re: Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information 4/28/2020

Application for transfer of a water right point of diversion (POD) was received on March 9, 2020. The application proposes to move the POD of water right (WR) 75-14263 from its current location, a shared ditch on Perreau Creek, to a different shared ditch diversion on Perreau Creek, about 0.6 mi downstream of the current POD.

Authority to File:

The application was submitted and signed by Myrna and O. Jerry Harris, who are also the owners of record of the water right. Parcel data available to the Department displays Oliver Jerry Harris as the owner of the parcel at the place of use (POU) and Larry Weeks as the owner of the parcel at the proposed new POD. The application included a permission letter signed by Larry and Teri Weeks granting permission to Jerry and Myrna Harris to access the POD. There are no concerns of authority to file.

Water Right Validity:

Water right 75-14263 was decreed on January 29, 2009. The right authorizes a flow rate of 0.1 cfs for 5 acres. Review of MAX NDVI calculation data via use of the Climate Engine tool shows clear signs of irrigation across 5 acres of the Harris property within the last 5 years. There are at minimum, 4 acres that have clearly been irrigated over the prior 5 year period. Of this irrigated area, 3.4 acres are agricultural land and 0.9 acres appear to be landscaping or area around the residence. There is another 0.7 acre plot behind and east of the home that does not appear to be irrigated in all years, but MAX NDVI data shows evidence of irrigation on this plot in 2017 and 2018, suggesting irrigation of a full 5 acres of land. There are no further concerns of water right validity.

Injury to Other Water Rights:

The current location of the POD is a shared ditch diversion from Perreau Creek that is shared with three other water rights which authorize a total diversion rate of 3.67 cfs when combined. The right involved in this review only lists the diversion in Lot 2 (NWNE) of T20N, R21E as the POD, while the other three rights list both this POD as well as the POD listed as the new POD in the transfer application.

Since the new, proposed POD is already listed as a POD on all three of the other rights that share the original POD, there appears to be no conflict or potential injury to these other rights. Additionally, comment received from Cindy Yenter from the Department's Salmon office stated that this change in POD diversion had actually taken place 3 years prior. The fact that the Department has not received any comments from other water right owners regarding injury due to this move, is further evidence that there is no threat of injury to other rights. There are also no other rights diverted from Perreau Creek between the original and the proposed PODs and as such, there are no apparent concerns of injury to other rights. The transfer was also advertised and received no protests.

Enlargement of Use:

There are no proposed change to the POU or acres to be irrigated. The proposal is only to move the full amount of the diversion to a different ditch, shared with the same rights as the original diversion. There are no concerns of enlargement.

Local Public interest:

There are no apparent concerns of local public interest

Beneficial Use/Conservation of Water Resources:

This proposal appears consistent with the conservation of water resources within the state of Idaho.

Effect on Economy the Local Area:

There are no concerns of effects to the local economy.

Hersley, Jean

From: Yenter, Cindy
Sent: Wednesday, September 30, 2020 11:42 AM
To: Hersley, Jean; Storms, Scott
Subject: Harris transfer 83953

This transfer is for housekeeping purposes. The right was moved from the upper Perreau Ck diversion (PerrC-4) a number of years ago when a pipeline was installed at PerrC-4. The right has been diverted at PerrC-3 along with Tolman, Williams and Schwartz, but was never transferred at the time of the other changes. The change is necessary to correct the POD for proper administration of the water rights.

The Hamblin and Hoggan rights, 75-14617 and 14618, had PerrC-3 added as an authorized POD but these rights only divert at the upper pipeline, PerrC-4. There is no need to contact these water users as Harris has never diverted in the pipeline.

Because this small right is in a combined diversion, measurement will be required by future water districts. Suggest W&S conditions 01H, 197, 198. The diversion is an open ditch, condition 196 is not relevant.

The correct POD is at spatial 374178, at the same location as 75-14571, 14974, and 14975. Would you please move the transfer pod to this location.

WDFlag = NWD.

*Cindy Yenter
Idaho Dept of Water Resources
Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*