

MEMORANDUM

Date: November 19, 2019
To: Transfer 83748
From: Jared Adamson
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and change the place of use for supplemental ground water right 32-7081C. Water right 32-7081C is currently supplemental to water rights 32-1A, 32-2A, 32-3A, 32-4A, and 32-5A (Medicine Lodge Creek). The applicant seeks to transfer water right 32-7081C and use it as a supplemental water source to irrigate 155.0 acres of 294.0 (proposed POU) acres described under water rights 32-29, 32-30 and 32-31.

Water right 32-7081D is supplemental to 160.0 acres of 294.0 acres described under water rights 32-29, 32-30 and 32-31. Once this transfer is approved water rights 32-7081C and 32-81D will be utilized as a supplemental source to irrigate 294.0 acres described under water rights 32-29, 32-30 and 32-31.

Water rights 32-1A, 32-2A, 32-3A, 32-4A, 32-5A, 32-29, 32-30, 32-31 and 32-7081D were added to this transfer as associated water rights. Conditions of approval under these rights will be updated to reflect the changes made to water right 32-7081C.

Authority to File:

The applicant has a purchase agreement for water right 32-7081C from Tod and Carolyn Shenton, who are the current owners of the water right per IDWR record. The purchase of water right 32-7081C is contingent on the approval of this transfer (see application for attached purchase agreement). The applicant is the owner of the property at the proposed point of diversion and proposed places of use per Clarke County tax lot data (updated 11/21/2019).

Water Right Validity:

Water right 32-7081C was decreed on October 10, 2000. Review of aerial photography available to the department shows irrigation of the lands associated with the water rights outlined in the transfer. Water right 32-7081C has been used to supplement Medicine Lodge Creek water rights (described above) in times of water shortages. According to the applicant this supplemental water right has typically been used between July-September When Medicine Lodge Creek water becomes low. Forfeiture is not an issue

Injury to Other Water Rights:

This water right is located within the ESPA and is regulated by WD 110. According to ESPA analysis impacts to the individual ESPA river reaches above and below Milner are less than 2.0 af/trimester. The water master does not oppose this transfer as long as water right 32-7081C isn't utilized until 11/1/1885 priority on Medicine Lodge Creek is curtailed. This transfer was advertised and there are no protests.

Enlargement of Use:

Water rights 32-1A, 32-2A, 32-3A, 32-4A, 32-5A and water rights 32-29, 32-30 and 32-31 share similar priority dates (see attached spreadsheet). To avoid an enlargement the diversion and use of water under right 32-7081D shall not occur until the diversion of surface water from Medicine Lodge Creek is curtailed by priority Date 02/01/1884 under overlapping water right 32-30.

Local Public Interest:

No issues have been identified.

Beneficial Use/Conservation of Water Resources:
No issues have been identified.

Effect on Economy the Local Area:
No issues have been identified.

Effect on Agricultural Base of the Local Area:
No issues have been identified.

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

Basin	Sequence	Suffix	Basis	Priority Date	Rate	Source List	Water Use	Current Owner	Total Acres	Acre Limit	Volume
32	1	A	Decreed	6/20/1883	0.640	MEDICINE LODGE CREEK	IRRIGATION	SHENTON, CAROLYN RHODES; SHENTON, H TOD	155.0		
32	2	A	Decreed	10/1/1883	0.360	MEDICINE LODGE CREEK	IRRIGATION	SHENTON, CAROLYN RHODES; SHENTON, H TOD	155.0		
32	3	A	Decreed	5/15/1884	1.500	MEDICINE LODGE CREEK	IRRIGATION	SHENTON, CAROLYN RHODES; SHENTON, H TOD	155.0		
32	4	A	Decreed	4/15/1885	0.500	MEDICINE LODGE CREEK	IRRIGATION	SHENTON, CAROLYN RHODES; SHENTON, H TOD	155.0		Current Place of Use
32	5	A	Decreed	11/1/1885 (most junior)	0.500	MEDICINE LODGE CREEK	IRRIGATION	SHENTON, CAROLYN RHODES; SHENTON, H TOD	155.0		
32	7081	C	Decreed	6/20/1977	1.890	GROUND WATER	IRRIGATION	SHENTON, CAROLYN RHODES; SHENTON, H TOD	155.0		542.5
32	7081	D	Decreed	6/20/1977	1.950	GROUND WATER	IRRIGATION	EGAN, BRION D; EGAN, DEANNA	294.0	160.0	560.0
32	29		Decreed	10/1/1883	1.000	MEDICINE LODGE CREEK	IRRIGATION	EGAN, BRION D; EGAN, DEANNA	294.0		
32	30		Decreed	2/1/1884	1.500	MEDICINE LODGE CREEK	IRRIGATION	EGAN, BRION D; EGAN, DEANNA	294.0		
32	31		Decreed	8/1/1886 (most junior)	1.000	MEDICINE LODGE CREEK	IRRIGATION	EGAN, BRION D; EGAN, DEANNA	294.0		Proposed Place of Use