

MEMORANDUM

Date: August 23, 2017
To: Transfer 81841
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the period of use for water right 13-26B.

Water right 13-26 was originally described in a 1906 Decree (Cub River Irrig Co v. Cub River Middle Ditch Co.). The owner of record at that time was Cub River Irrigation Company. The 1906 Decree was superseded by a 1924 Decree (McEwan v. Franklin Sugar Co.). Water right 13-26 was reaffirmed in the 1924 McEwan Decree. The 1924 McEwan Decree established the season of use for all irrigation rights in the Cub River basin: "[T]he irrigation season, as the term is used herein, begins on the first day of April and extends to the 31st day of October of each and every year . . ."

In 1997, Cub River Irrigation Company filed Transfer Application 5010, proposing to add a point of diversion to water right 13-26. Transfer Application 5010 did not propose to change the period of use.

In the transfer approval, IDWR imposed a season of use of 4/15 to 10/15, which was the recognized season of use for the area at that time. The recognized irrigation season of use for the basin has changed back to 4/1 to 10/31. Water right 13-26B appears to be the only decreed water right with an altered season of use. The current transfer application proposes to change the season of use back to the original season, to be consistent with the 1924 Decree, and to match all of the other irrigation water rights in the basin.

Authority to File:

The applicant is the current water right owner on record and the application was signed by T.J. Budge, the company's attorney.

Water Right Validity:

The right included in this transfer was decreed in 1924. Water delivery records for Water District 13A (Cub River) show that Cub River Irrigation Company has continued to divert water right 13-26 in early April and late October, regardless of the shortened season of use created in Transfer 5010. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be injured by the proposed changes. This transfer is simply correcting the season of use to be consistent with all other irrigation rights in the basin. The watermaster has never attempted to enforce a shortened season of use for water right 13-26B.

Enlargement of Use:

The proposed change returns the period of use to the decreed season, and therefore will not result in enlargement. There will be no change to the rate, volume or irrigated acres.

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.