

## MEMORANDUM

TO: Transfer No. 80338  
FROM: D. Merriman  
DATE: 7/13/16  
RE: Evaluation of Application

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The transfer proposes to add two new points of re-diversion to water rights 78-12440, 78-12441, 78-12442, and 78-12443. The new rediversion points will use the same system that is currently in place, but will allow the applicant to pull water from the section of stream that is directly on their property.

The re-diversion site is in the NESE of T19N R02E Sec 08, off of Threemile Creek, approximately 3.0 miles north east of New Meadows, Idaho.

### Summary of Information Submitted

**Authority to File:** The Application for Transfer of Water Right was submitted and signed by Paul R Schaetzel and Laurie Birch, who are the owners of land at the POU and the proposed re-diversion points as well as of water rights -12440, 78-12441, 78-12442, and 78-12443.

**Water Right Validity:** Both water rights were decreed on November 6, 2007. Based on aerial photography and infrared imagery, there is evidence that approximately one acre of land within the applicants' property has not been irrigated in the past five years and is subject to forfeiture. The attached forfeiture analysis sheet and map illustrate which areas have been irrigated and which will be forfeited if the transfer is approved. The applicant was contacted on January 20, 2016 regarding the forfeit acre and agreed, per email dated February 2, 2016, that the total number of acres to be transferred could be limited to 9.3 acres.

**Injury to Other Water Rights:** Transfer proposes to add a point of re-diversion approximately 0.6 miles downstream from the existing re-diversion points. Changes to water supply will not occur and injury to other water rights is not apparent.

**Enlargement of Use:** Transfer proposes to add two new points of re-diversion on an existing diversion system. Water is diverted from Sewell Creek to a connection ditch, known as the E.B. Wallace ditch, which is injected into Threemile Creek. The new re-diversion points, like the existing diversion points, will pull the Seawell Creek water out of Threemile Creek on the applicants' property. No enlargement is anticipated as a result of the proposed changes.

**Local Public Interest:** Review staff has no information to suggest this application is inconsistent with the local public interest.

**Beneficial Use/Conservation of Water Resources:** The application proposes beneficial use consistent with conservation of water resources in Idaho.

**The application is consistent with criteria of I. C. § 42-222 and should be processed.**

### Discussion

The ownership change for water rights 78-250, 78-251, 78-252, and 78-4130 in the name of Lynette and Phil Walters was processed prior to the transfer and resulted in water rights 78-12440, 78-12441, 78-12442, and 78-12443 in the name of Paul R Schaetzel. These rights were described in the amended application for transfer received July 12, 2016.

There are a number of parties who are interested in the status of the transfer.

- Holly Becker and Rebecca Havens: Forest Service. The point of diversion, connection ditch, and point of injection are on Forest Service land. There is concern that the applicants do not have yet may need a special use permit from the Forest Service to access and maintain the delivery system. The Forest Service will be contacted at advertising for any official comments.
- Tana Kerby: Goose Creek Water District (78-C) Secretary/Treasure. Ms. Kerby called the Department several times to express concern that there are back-assessments owed on the water rights originally in the name of Walters. She is also concerned that there is no headgate at the point of diversion for the water master to control the flow of water. The Goose Creek Water District will also be notified when the transfer goes to advertising.

### **Summary**

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

**Transfer 80338 Forfeiture Analysis****Invert Imagery**

2011 (1 meter)

**Aerial Photography**

2011 (1 meter)



2013 (0.5 meter)



2013 (0.5 meter)



2015 (1 meter PRELIMINARY)



2015 (1 meter PRELIMINARY)

WRs: 78-12440, 78-12441, 78-12442, 78-12443  
Decreed Date: 11/6/2007  
Use Resumption Deadline: 12/31/2013

All four water rights were decreed on November 6, 2007. Additional information was provided by the applicant to show which acres they have not irrigated (attached). Agent review of other aerial photographs found sections where the land does appear to have been irrigated in the past five years. These images were overlaid to identify the approximately one acre that is subject to forfeiture upon transfer approval (see attached map).

Google Maps New Meadows, ID 83654



Google

Imagery ©2016 Google, Map data ©2016 Google 100 ft

FOR FEUTURE - IRRIGATION

Attachment to email from Paul Schaezel on 1-19-16

# Transfer 80338 Forfeited Acres

