

MEMORANDUM

Date: June 17, 2016
To: Transfer 80906
From: Kerrie Mathews
Re: Transfer Evaluation

Transfer No. 80906 for water rights 1-10026, 1-10027 and 1-10520 proposes to add a point of diversion to the rights. The applicant has historically pumped water from three pumps on an old side channel of the snake river near the current place of use. This side channel is currently listed as a perennial unnamed stream on the NHD Stream layer for IDWR's GIS mapping software. However, the channel has been used as a ditch for many years. Water flows unrestricted most years from the Snake River and additional water from seepage enters the channel allowing enough water to satisfy the applicants irrigation needs. Due to changes in the diversion dam across the river in this location, the channel has began filling in with silt. Over the years, the channel has been periodically cleaned to maintain flow. The applicant would like to add this new point of diversion to his existing water rights to eliminate the need to acquire a Stream Channel Alteration permit when the channel needs to be reopened.

Authority to file:

The water rights and the place of use are in the name of George and Clara Newby. The new point of diversion is located on BLM property. However, this is a creek/canal and has historically been maintained as waterway to provide irrigation water to Mr. Newby's pumps. There is likely a prescriptive easement to convey the Newby rights through the channel.

Validity of the Water Right:

Water rights 1-10026, 1-10027 and 1-10520 were decreed on January 13, 2009. Aerial photography shows consistent irrigation. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. The application was advertised, no protests were received. The water master for WD 1 was notified of the transfer and did not oppose the transfer, but commented that a measuring device may be required at the river point of diversion in the future.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.