

MEMORANDUM

Date: February 9, 2016
To: Transfer 80587
From: Kerrie Mathews
Re: Transfer Evaluation

Transfer No. 80587 for water rights 13-2062, 13-730, 13-731, 13-737, 13-738, 13-7609, 13-7610, 13-7611 and 13-7612 proposes to correct the water rights by updating the ownership, changing the place of use, correcting the point of diversion and splitting two water rights.

The applicant has two pipelines one from Cheatbeck Creek and one from NF Trout Creek - these pipelines irrigate 203.5 acres under pressure. Two of the water rights will be split for an ownership change. The applicant owns approximately 50 % of 13-737 & 13-738. An ownership split was done on 13-737 & 13-738 for a different applicant just prior to this transfer. It was found that the point of diversion of several of the rights was not completely recorded, this was corrected. It was also found that several of the rights did not contain beneficial use periods or diversion rates. These were added. The applicant is aware that the acres available under these rights will be reduced and has requested that the diversion rate remain as authorized to allow more efficient irrigation. Consolidation of acreage in this case creates a diversion rate greater than an inch to the acre. In this case, this consolidation is ok because rights 13-2062, 13-7611 & 13-7612 are very junior, the authorized diversion rate of 0.8cfs is only available during a short period of time.

Authority to file:

The water rights are currently in the name of Benjamin Clegg, Emmitt Collins, Phillip Young, Esther Peterson, and Kent Clegg. The current place of use is in the name of Kent & Mignon Clegg. There is no security interest. The application contained all the necessary deeds and a quit claim from Don & Dolores Gilbert for two rights.

Validity of the Water Right:

Water rights 13-730, 13-731, 13-737, 13-738, 13-7609, 13-7610, 13-7611, and 13-7611 were decreed on July 14, 1920. Water right 13-2062 was licensed on March 22, 1979. 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 water master for WD11 was notified of the transfer and did not provide comments.

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.