

MEMORANDUM

Date: April 17, 2013
To: Transfer 78386
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This application was originally filed as an exchange. After a careful review of the application and the statutes governing transfers and exchanges, IDWR determined that the proposal should be characterized as a transfer application. The source listed on the water rights is not changing. In the case of the Cub River right, the point of diversion is not changing at all. The application proposes changing the storage place of use for water rights and attempts to avoid enlargement concerns through offsetting adjustments. The application will be processed as a transfer and has been assigned Transfer No. 78386.

This transfer proposes to change the point of diversion and storage place of use for water rights 13-2022, 13-2102 and 13-2287 (from Worm Cr.), and change the storage place of use for water right 13-2288A (from Cub River). Historically, a portion of Cub River right 13-2288A (for storage in Glendale Reservoir) has been used to fill the Johnson Reservoir. In exchange, Worm Creek water rights 13-2022, 13-2102 and 13-2287 (for storage in Johnson Reservoir) have been used to assist in the fill of Glendale Reservoir. Glendale Reservoir is located on Worm Creek. Johnson Reservoir is an offstream facility. This practice, which continues to this day, began at a time when Preston-Whitney Irrigation Company (previous owner of Glendale Res) and Preston-Whitney Reservoir Company (previous owner of Johnson Res.) were separate entities. These entities have merged and are now known as the Consolidated Irrigation Company. Consolidated Irrigation Company filed this application to record the historic practice on the water rights.

Water rights 13-2022, 13-2102 and 13-2287 when combined authorize the diversion of 20 cfs from Worm Creek for reservoir storage in Johnson Reservoir. Johnson Reservoir storage capacity is 800 acre-feet. The transfer will authorize water right 13-2288A to be stored in the Glendale Reservoir and Johnson Reservoir. Water diverted into the Johnson Reservoir under right 13-2288A will be limited to 20.0 cfs. This transfer will authorize water rights 13-2022, 13-2102 and 13-2287 to be stored in the Glendale Reservoir. Water diverted into the Glendale Reservoir under rights 13-2022, 13-2102 and 13-2287 will be limited to 20.0 cfs and 800 acre-feet.

Consolidated Irrigation Company is in the process of obtaining authorization to construct a hydropower facility on its irrigation delivery system. As part of this project, the diversion and delivery ditch connecting Worm Creek to Johnson Reservoir will be obliterated. The new point of diversion for water rights 13-2022, 13-2102 and 13-2287 will be located in the SESW of 05S, 40E, Section 8 (Glendale Reservoir dam).

Authority to File:

The applicant is the current owner of all of the water rights per IDWR record. Rob Harris who is the applicants attorney signed the application.

Water Right Validity:

Decreed and/or licensed water rights. Aerial Photography shows water being stored in the Glendale Reservoir and Johnson Reservoir. Forfeiture is not an issue.

Injury to Other Water Rights:

Within Water District 13A. Watermaster does not oppose the application. Application was advertised and there are no protests. Even though the application was filed as an exchange and will be approved as a transfer, readvertisement is not necessary because the state-wide advertisement contained the substance

of the proposal.

There are no issues identified in the areas of Enlargement of Use, Local Public Interest, Beneficial Use / Conservation of Water Resources, Effect on Economy of the Local Area, or Effect on Agricultural Base of the Local Area.

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.