

MEMORANDUM

Date: February 7, 2013
To: Transfer 78402
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to update rights 17-2000 and 17-2068 to current standards. The place of use for these rights will now be described using a digital boundary and will cover all the land currently irrigated with canal company shares. At the time right 17-2000 was originally licensed, irrigation storage was not listed as a nature of use even though the application for permit and the beneficial use field report clearly included storage. The reservoir was completed and was being used prior to the date proof was made, and the use should be included on the water right. The storage has been an essential part of company operations for over 100 years.

The original license also included domestic use. At the time of licensing the use of the term "domestic" was quite broad and would have included use of water for livestock. This transfer will narrow the description of domestic use to just stockwater since that has been the only "domestic" use for many years. License 17-2000 did not include a season of use nor was the storage or stockwater quantified. The various elements associated with these uses will be updated as part of the transfer.

Authority to File:

Department records show the applicant as the current owner of both rights. The company is currently registered with the State of Idaho as a corporation in good standing. The transfer application was signed by the registered agent of the company.

Water Right Validity:

The rights included in this transfer are based on licenses issued in 1963 and 1974. Review of available aerial photography from the years 1992 through 2011 indicates that most of the licensed place of use has been regularly irrigated. While it appears that some of the licensed place of use has not been watered, the applicant indicated that company shares were moved over the years. These place of use changes necessitated the filing of this transfer.

Injury to Other Water Rights:

Other rights will not be injured by the change. The place of use will be changed to include all the irrigated lands of the shareholders, and the elements of right no. 17-2000 will be brought to current standards. However, neither the points of diversion nor the quantity diverted will change as a result of the transfer. The transfer application was advertised and no protests were filed.

Enlargement of Use:

The proposed changes will not result in enlargement of use. While the description of the place of use of these rights will change from a land list to a digital boundary, the number of acres authorized for irrigation under these rights will not increase. The acres will simply be encompassed by the new service area of the company. At a February 18, 2013 board meeting, the directors reviewed the proposed digital boundary of the company, and they determined that approximately 3000 acres have been irrigated over the years by canal company shares. Acres that were once irrigated by shares, but the canal shares have since been moved to other land, were not included in the total acre count. The number of acres authorized for irrigation under right no. 17-2068 will decrease as a result of the transfer. Neither rate, nor volume, nor total acreage will increase as a result of the transfer.

While the beneficial use field report showed a reservoir capacity of 6600 AF, the best data currently available from the dam safety program shows that the reservoir capacity is 3800 AF. This volume matches the volume shown on the federal Phase I Inspection Report, and therefore, was used to quantify the irrigation storage. The president of the company, Lyle Steed, stated that stockwater was generally diverted from the start of the irrigation season to the end of the calendar year, but that it could be diverted all year during mild winters. He said that the quantity beneficially used during the non-irrigation season was 2.30 cfs. This information was used as the basis for the previously undefined elements related to stockwater use.

Local Public Interest:
No issues identified.

Beneficial Use / Conservation of Water Resources:
No issues identified.

Effect on Economy the Local Area:
No issues identified.

Effect on Agricultural Base of the Local Area:
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.