

MEMORANDUM

Date: August 28, 2013
To: Transfer 78734
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the points of diversion for water right 25-55D. Water right 25-55D authorizes the diversion from two water sources consisting of Alley Lyons Creek and Little Poison Creek. Alley Lyons Creek is tributary to Little Poison Creek. The applicants are seeking to change these points of diversion to a single diversion downstream Little Poison Creek, which is also below the confluence of Alley Lyons Creek and Little Poison Creek. According to the applicant the new point of diversion will include construction of a small earthen dam and the installation of a headgate to control flows into an existing private ditch.

Authority to File:

The applicants are the current owners of water right 25-255D per IDWR record. The applicants are the current owners of the property at the new point of diversion and current place of use per Bingham County taxlot data (updated May, 2012). Luke Marchant who is the applicants attorney signed the application.

Water Right Validity:

Decreed in 2005. Aerial photography from 2009 and 2011 shows current place of use to be green. This water right is within water district 01 but is not regulated. There is no clear and convincing evidence that proves this water right is subject to forfeiture.

Injury to Other Water Rights:

This water right is within water district 01. The water master does not regulate water use on Little Poison Creek or Alley Lyons Creek. This water right has one of the earliest priorities (4/1/1874) that is in the Willow Creek drainage. There are no existing points of diversion that are between the applicants current points of diversion and proposed point of diversion. The proposed point of diversion is approximately 0.40 downstream from the current point of diversion on Alley Lyons Creek and approximately 0.15 miles downstream from the current point of diversion on Little Poison Creek. No injury issues identified. This transfer was advertised and there are no protests. The watermaster does not oppose transfer if the new point of diversion has a measurable rated section.

Enlargement of Use:

No issues identified.

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.