

MEMORANDUM

Date: July 23, 2013
To: Transfer 78390
From: Kerrie Mathews
Re: Transfer Evaluation

Transfer No. 78390 for water rights 74-286, 74-288A, 74-289, 74-1656 and 74-7320, proposes to combine the place of use and update the ownership. The POD on 74-286 will change to the M-5 diversion (Robinson Ditch).

The place of use shape for water rights 74-7319 and 74-880B appeared to overlap in T16S, R24E, Sec 13 SENE quarter with water right 74-289. A backfile search identified that water rights 74-7319 & 74-880B were established for irrigation of pastures at the residence and did not overlap with 74-289. A map on the original application identified this area as being clearly separated from 74-289. The shape for water rights 74-7319 and 74-880B were updated. No enlargement occurred in this transfer.

Authority to file:

Water right 74-286, 74-288A, 74-289 and 74-1656 are currently in the name of Norma & Robert Carlson. The current place of use is in the name of Norma & Robert Carlson. Eunice Tyler is the applicant and daughter of Norma & Robert. Eunice Tyler provided warranty deeds transferring ownership of the property.

Water right 74-7320 is currently in the name of Norma & Robert Carlson, the majority of the place of use is also in the name of Norma & Robert Carlson. There are five acres of this water right located at T16N R25E Sec 18 SENE Lemhi County. This area is currently owned by Peterson Land and Livestock. The backfile for 74-7320 establishes that the fence line (visible on imagery), between the Carlson and Peterson property was where the use of this right ended. Either the PLS layer or the Imagery layer are slightly skewed. This right has never been used on the Peterson side of the fence.

Validity of the Water Right:

Water right 74-7320 was licensed on September 25, 1997. Aerial photography for 74-7320 does not show consistent irrigation. Water right 74-7320 is listed as supplemental to water right 74-286. Water right 74-286 was decreed on December 11, 2007. Since forfeiture cannot be considered on 74-286 the base right, the supplemental right 74-7320 has not been forfeited. Water right 74-288A was decreed on July 9, 2007. Water rights 74-1656 and 74-289 were decreed on April 3, 2012. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

The application was advertised. A protest was received on March 8, 2013. The protestant stated that two points of diversion would be hard to regulate. The transfer application was originally submitted to add a point of diversion to 74-286, 74-288A, and 74-289. The transfer application was amended on April 2, 2013 to change the Point of Diversion on 74-286 and to only have one POD. On July 18, 2013 the protest was withdrawn on the condition that the existing headgate and measuring device would be left at the existing headgate. The watermaster for WD74Q was notified of the transfer and did not provide comments. No injury to other water rights was identified.

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.