

MEMORANDUM

Date: October 19, 2012
To: Transfer 78144
From: mholliday
Re: transfer evaluation

This transfer proposes to change the point of diversion for right nos. 75-83C and 75-14577 from the Lower Wallace Creek Ditch to the point of diversion currently associated with right no. 75-10330. All three rights will share the same delivery system. The transfer also proposes to create a 5.3 acre permissible place of use for the three rights, giving the applicant greater flexibility in the irrigation of the place of use.

Authority to File:

The applicant is the current water right owner of record, and county taxlot data further confirms that the applicant is the owner of the place of use.

Water Right Validity:

These water rights were decreed in the SRBA in 2010. The water rights could not have been lost due to forfeiture because less than 5 years has elapsed since the partial decrees were issued.

Injury to Other Water Rights:

It does not appear that the proposed change would reduce the amount of water available to other water rights. The total diverted from the stream will not change. Since the amount of water proposed to be moved to the new point of diversion is small, it is unlikely there would be a measurable impact on conveyance losses associated with the delivery of the other rights in the Lower Wallace Creek Ditch.

The proposed point of diversion is a pipeline located about a quarter mile upstream from the Lower Wallace Creek Ditch heading. There are no other points of diversion between the pipeline and the ditch. There is no evidence currently available that the change would result in an improved water supply. The application will be advertised to determine any protests.

Enlargement of Use:

After looking at the digitized shape files used to illustrate the place of use for these water rights, it appeared that right no. 75-10330 partially overlapped the 2.3 acre place of use for right nos. 75-83C and 75-14577. However, review of the adjudication files for these rights showed that the field claimed for 75-10330 was distinct from the field claimed under the other two rights. Also a review of the map which was used for the recommendations of the splits of decreed rights 75-83 and 75-84 showed two different fields located within lot 7. These three rights were all decreed on the same day, but only rights 75-83C and 75-14577 contained a combined acre limit. The evidence seems to indicate that the shape files found in the water right layer are erroneous, that right no. 75-10330 does not overlap right nos. 75-83C and 75-14577, and that these rights when combined provide for the irrigation of a total of 5.3 acres.

The proposed changes will not result in enlargement of use. The quantity of water delivered from the stream will remain unchanged and the total irrigated acres will not increase. The change does not appear to enhance the supply of water available to fill this right.

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Local Public Interest:
No issues identified.

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

Review of the application reveals no clear inconsistency with the criteria set forth in Section 42-222 Idaho Code preventing processing of this application.