

MEMORANDUM

May 14, 2012

FROM: Cindy Yenter 
TO: Transfer files 77600 and 77602
RE: Memo in support of modifying point of diversion descriptions

The above two transfers were recently filed changing ownership and place of use for certain rights which divert from Mill Creek in Cassia County. The common decreed pod for all rights is within NESE Sec 36, T13S R22E. Transfer 77602 was recently approved, and 77600 has completed advertising.

Transfers were filed specifying only the 40-acre pod, consistent with the decreed rights. The reviewing agent added a 10-acre tract to the pod description (NWNESE) based on transfer comments and GIS work done during SRBA review. The SRBA GIS work was done in 2004 and represents the location of the historic irrigation ditch diversion from Mill Creek for the Mannings and William Wells ranches. In approximately 2005 or 2006, the point of diversion was moved upstream to a point in NENESE. A large diversion structure and two pipelines were installed which appear to circumvent the old ditch and deliver gravity pressurized water to the collective pous. I recently confirmed the new pod location during a site visit.

The transfer applications indicated that the water right pods were unchanged. In fact, the QQ POD location has not changed, but the physical location has. Since the Basin decree and the SRBA decree both identify a 40-acre pod for all the rights in both of these transfers, this move is within the water right description, and causes no harm as there are no other diversions between the old and new locations. IDWR should drop the QQQ description from the transfer approval, as NWNESE is not correct for these rights yet NESE still is. The transferred rights should be re-correlated to the updated pod at spatial 441451.

The one problem encountered at this diversion is not for the Cranney or Robinson rights which were modified in the above transfers, but for the William Wells rights 45-660, 680 and 688. These three rights were not part of the above transfers. They were decreed in the SRBA showing the more detailed pod NWNESE. Consequently these rights cannot be correlated to the updated spatial pod. I have confirmed they are being delivered at the common pipeline diversion at NENESE. The Wells current irrigated area also appears to be slightly inconsistent with the water right shape. This indicates that we should solicit a transfer to modify the pou and change the pod to the actual location.