

MEMORANDUM

Date: October 07, 2011
To: Transfer 76835
From: jcefalo
Re: Eval Memo

Transfers 76833, 76834, and 76835 were filed at the same time. They seek to better define the delivery system for Preston-Whitney's storage water rights. The methods for describing water rights, including points of injection and re-diversion are much more specific today than at the time the storage rights were licensed. As part of the transfer, the canal company service boundary will be updated to reflect the current Preston-Whitney service area.

Water rights 13-2108, 13-2288, and 13-2288A are associated with the Glendale Reservoir. Right 13-2291 is for the Lamont Reservoir. Right 13-2298 is for the Foster Reservoir. The water rights authorize diversion from Cub River. The water is brought through the Glendale Canal and injected into Worm Creek. The Glendale Reservoir is located on Worm Creek. Foster and Lamont Reservoirs are off-stream reservoirs.

Water right 13-2298 (Foster Reservoir) season of use for the Irrigation storage component is from 4/1-11/1, which is the same as the Irrigation from storage component of the right. The 1972 licensing of this right describes an irrigation component for 3355 acre-feet with a season of use of 04/1 to 11/1. No irrigation storage component was listed on the original license. It is clearly documented that this water right developed a reservoir (Foster) for the purpose of storing water and to be later used for irrigation during the irrigation season (4/1 to 11/1). Since the season of use describe in the original license is vague and storage water right are usually year round, the season of use for under the irrigation storage component of water right 13-2298 will be 1/1-12/31.

These transfers will also define the place of use for the irrigation storage components of the water rights.

A similar transfer was filed to update Preston-Whitney's natural flow water rights from the Cub River, Transfer 75705. That transfer was protested and a hearing was conducted by Gary Spackman in March 2011. The storage rights covered in these transfers were discussed during that proceeding. An order was issued in June 2011. These transfers will be approved in a way that is consistent with that order.

Authority to File:

Applicant is the owner of all of the water rights according to IDWR records. The applications were signed by Robert Harris, Preston Whitney Irrigation Company's attorney.

Water Right Validity:

These water rights are fully active. Aerial photography shows that these reservoirs are used every year. Forfeiture is not an issue.

Injury to Other Water Rights:

The number of acres authorized for irrigation under the rights was set forth in licenses. These transfers do not attempt to increase the number of acres irrigated or the season of use associated with the rights. If anything, the water rights will protect other water users in the Worm Creek drainage, because

the correct points of injection and re-diversion will be identified on the water rights and conditions will be included on the transfer approval requiring measurement at all critical sites. Transfers were advertised statewide. No protests were received.

Enlargement of Use:

There is no evidence of enlargement.

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 application.