

MEMORANDUM

Date: June 20, 2011
To: Transfer 75742
From: jcefalo
Re: Eval Memo

This transfer proposes to change the place of use for water right 11-46 to cover the acres currently being irrigated under that right. The transfer will also identify the point of diversion for this water right. The point of diversion was not specified in the 1902 decree.

The 1902 decree described a water right for DM King located in the NW 1/4 of Section 4, T13S R43E. Further investigation revealed that the decreed place of use was likely in error. A companion water right, in the name of ES Morgan, was supposed to be located in the same section quarter. However, the ES Morgan right was described in the SW 1/4 of Section 4. A memo describing the probable error in the 1902 decree was included in the transfer file and will be included in the water right backfile for 11-46.

Authority to File:

As stated above, it appears that the place of use in the 1902 decree was in error. Mr. Roberts asserts that he owns the water right. In order to eliminate any doubt as to ownership, Mr. Roberts obtained letters from the property owners in the NW 1/4 of Section 4 stating that Mr. Roberts owns the water right in question. Water under 11-46 is delivered through the Liberty Ditch, a common ditch used to convey a number of private water rights. Mr. Roberts also included a delivery schedule for the ditch showing regular delivery of water to the property. No other water rights cover the property or are held by Shane Roberts or Udell Roberts.

Validity:

Aerial photography (2009) show lands at the proposed place of use have been irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

The original decree described the irrigation of 102 acres with the water right. This transfer will consolidate the water right onto 26 acres, resulting in a rate of 0.02 cfs per acre. Water will continue to be delivered through the Liberty Ditch, the historical delivery system. There is no evidence of injury to other water rights. Transfer will be advertised and sent out for watermaster comments.

Enlargement of Use:

No issues 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 application.