

MEMORANDUM

Date: January 22, 2003
To: Transfer 70253
From: kwilson
Re: Comment/Analysis

Authority to File:

Applicants are listed as current owners on the Snake River Basin Adjudication Claims on file with the department and as the current owners in IDWR records for rights 22-325B and 22-326D. Warranty deeds lists applicants as owners or were the owners of the place or use. The warranty deeds also retain the ownership of the water rights on the places of use that were sold.

Water Right Validity:

Water rights 22-325 and 22-326 are evidenced by the Rexburg Decree 12/16/1910, and by subsequent transfers. August 1976 Water District 01 records lists rights 22-325 & 22-326. In 1982 Garry L. Lerwill filed Transfer #2883 splitting 22-325 into 22-325A & 22-325B, and splitting 22-326A into 22-326C & 22-326D. Transfer 1829 had previously split water right 22-326 into 22-326A & 22-326B.

Water right 22-2002 (old #423) was licensed 09/21/1912 for 22.20 cfs from the North & South Forks of Pack Saddle Creek, priority 01/08/1904, point of diversion within NW ¼ Sec 9, T05N, R44E (NOTE: P/D on Packsaddle Creek) to Pack Saddle Reservoir Canal Co. Documentation for 22-2004, appears to support that license 22-2002 (license signed 12/16/1912) may not have been superceded by the Rexburg Decree of 12/16/1910. Letters dated 12/15/1953 and 09/20/1965 recognize 22-2002 as a license and a natural flow right (letter 09/20/1965). August 1976 Water District 01 records lists rights 22-2002 and 22-430 for Packsaddle Reservoir Co. (22-430, 25.00 cfs, North Fork Pack Saddle Creek, priority 01/15/1904, Rexburg Decree 12/16/1910.)

The Transfer 70253 file contains a letter (received 12/03/2002) expressing concern and wanting clarification on 22-2002. The issues raised deal with (1) a storage water right for Packsaddle Reservoir Co., and (2) transferring of water to adjacent lands.

(1) Files for 22-2004, may indicate two reservoirs on the Packsaddle Creek drainage. One reservoir on the North Fork of Packsaddle Creek, called Packsaddle Lake, (location: SE¼ Sec 11, & SW ¼ Sec 12, T05N, R43E.) and a second reservoir on the South Fork of Packsaddle Creek (location: SW¼ Sec 18, & NW¼ Sec 19, T05N, R44E.).

Storage Permit No. R-574, 800 af Pack Saddle Reservoir Canal Co. (Letter 09/20/1965 file for 22-2002), for 1710 acres, Sec 2, 3, 4, 9, 10, 11, 15, & 16, T05N, R44E.; Sec 34 & 35, T06N, R44E. Cancelled for failure to make proof of completion of works due 12/31/1939. Appears to be consistent with the statement that indicates that the dam washed out in 1916. There is no storage water right on either North or South Forks of Packsaddle Creek.

License 22-2002 (signed 09/12/1912) and letters dated 12/15/1953 and 09/20/1965 recognize 22-2002 as a license and also as a natural flow right (letter 09/20/1965).

(2) Transfer 70253 proposes to move the place of use under the adjudication claim 22-2002A to land already covered by the original license 22-2002. Transfer 70253 does not change the original license, but proposes to change only that portion claimed under the adjudication.

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Injury to Other Water Rights:

The point of diversion remains the same as before the transfer. Water is regulated by a water master based on the priority of the water rights to insure that junior water rights do not injure senior water rights.

Enlargement of Use:

No apparent increase in use proposed.

Local Public Interest:

No negative impacts anticipated.

Beneficial Use/Conservation of Water Resources:

Diversion appears to be diverted through the Packsaddle Pipeline Sprinkler System.

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