

MEMORANDUM

TO: Transfer No. 76180 File

FROM: Angie Grimm

DATE: March 16, 2010

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to add one new P/D and change the ownership for right 57-2195.

The site is generally located east of Collett Rd along the banks of Castle Creek approximately 1 mile southwest of the junction of Henderson Ln, Castle Creek Rd, and Poison Creek Cutoff about 5 miles southeast of Oreana.

Summary of Information Submitted

Authority to File: The applicant submitted a Gift Deed and a State of Idaho Deed documenting ownership of the entire P/U, existing P/D, and proposed P/D locations. The applicant has authority to change the rights.

Water Right Validity: Right presumed to be valid. The right was decreed in the SRBA in 2003. Recent beneficial use confirmed via 2009 aerial photography and applicants' statement that the rights have not undergone a period of five or more consecutive years of non-use. Irrigation converted to pivots since the rights were claimed in the SRBA.

Injury to Other Water Rights: Injury should not occur under this proposal provided use of the new well does not interfere with nearby existing wells. As a ground water right, use of the proposed and existing P/Ds is subject to reasonable pumping level provisions of I. C. § 42-226. The proposed P/D is within 1/2 mile of the existing P/D. The nearest spring P/D recorded is over 7 miles away. Considering the applicant is not proposing to increase diversion beyond authorized limits, it is unlikely addition of the proposed P/D to the system will significantly impact the ground water supply for other water rights in this area.

Enlargement of Use: The diversion rate, annual diversion volume, and number of acres irrigated will not increase as a result of this transfer. Irrigation will be limited to previously authorized diversion rate and number of acres in combination with other rights within the existing PP/U.

Local Public Interest: Allowing the applicant to construct a new well will allow the applicant to make full beneficial use of the water right in a more efficient system which serves the local public interest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Discussion

Data entry will affect the water record for the right proposed for transfer. The right was decreed in the SRBA on 1/3/2003. The record was migrated to a water right record prior to processing of this transfer.

The transfer proposes to add a single P/D near the QQ line of the NW & SW of the NE Section 16, T05S, R01E. The transfer will add both the NWNE and SWNE as P/D locations, but will limit the right to two points of diversion.

The right proposed for transfer, 57-2195, is a ground water right, the use of which is limited to a diversion rate of 2.68 cfs and irrigation of 134 acres when used in combination with Castle Creek rights 57-86, 57-2127, and 57-10898. There are no other overlapping rights for the existing P/D, proposed P/D, or existing PP/U. There are no changes proposed to the quantity diverted now number of acres irrigated, therefore the surface water rights do not need to be added to this transfer process as associated rights.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 is applicable since a new well is proposed.