

MEMORANDUM

Date: August 02, 2010
To: Transfer 72701
From: dcarlson / jcefalo
Re: transfer evaluation

This transfer, as filed, proposes to change the point of diversion from Kelson Creek (listed as East Camas Creek in the SRBA Decree) to East Camas Creek. The point of diversion is currently located on an unnamed stream known locally as Kelson Creek. The place of use will not change. The new pod would be 1 mile to the north of the existing point of diversion. An existing ditch on East Camas Creek (associated with water right 31-173) will be used to deliver water from the creek to the place of use. No new ditch is needed.

Applicant feels that SRBA decree was incorrect. The SRBA decree is based on an old decree that was vague and listed the source for 31-145 as East Camas Creek. The SRBA field exam, however, revealed that the water was in fact being diverted from Kelson Creek and that large portions of the place of use could have only been irrigated with Kelson Creek water due to the elevation of the ground.

Because application states that the ground is still flood irrigated and certain portions of the place of use cannot be irrigated by the proposed new diversion, the approval will simply add the new point of diversion to the water right leaving the Kelson Creek diversion as another valid point of diversion for the water right. Application was advertised as moving the point of diversion. The approval will add the new point of diversion and keep the existing point of diversion. The application does not need to be readvertised, however, because adding a POD (rather than moving the POD) lessens the potential impact to other water users. Potential injury is addressed in the water right conditions.

Authority to File:

Applicant is the owner of record as far as SRBA decree.

Water Right Validity:

This water right was decreed in the SRBA in 2002. Forfeiture is not an issue.

Injury to Other Water Rights:

Although the applicant states that the correct point of diversion for the water right is on East Camas Creek, the SRBA Decree places the point of diversion on Kelson Creek. By moving a senior right to East Camas Creek, there is a potential to injure other junior water right holders. To protect against injury, a condition was added making the new point of diversion the most junior water right on East Camas Creek during times of scarcity. Watermaster comment indicated that before the SRBA decree was issued, water right 31-145 was delivered through the East Camas Creek ditch. Transfer was advertised. No protests were received by the deadline.

Enlargement of Use:

There may be an enlargement of use if the new source (East Camas Creek) is a more-reliable source than the original source (Kelson Creek). To protect against enlargment, a condition was added to the water right limiting the diversion from East Camas Creek to those times when water is available at the point of diversion on Kelson Creek.

Local Public Interest:

MEMORANDUM

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue 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.