

MEMORANDUM

TO: Transfer No. 75730 File

FROM: Angie Grimm

DATE: March 10, 2010

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to split right 65-23278, create a PP/U for both 65-22783 and the applicant's portion of 65-23278, and add a new P/D for these rights to serve the applicant's property.

The site is between Squaw Creek and Hwy 52 approximately 1/2 mile north of Black Canyon Reservoir, 2 miles southwest of Sweet. The unchanged portion of the right will remain on land just west and south of the applicant's property.

Summary of Information Submitted

Authority to File: The applicant submitted a warranty deed documenting ownership of the property the water rights are currently appurtenant including the proposed PP/U. The rights involved in this transfer application will be put into the name of "Patricia Ann Finley" per the warranty deed rather than the applicant name "Ann Finley".

Water Right Validity: Rights presumed to be valid. SRBA is not applicable to these rights developed after 1987. Recent beneficial use confirmed via 2009 aerial photography, appears approximately 7 acres are being irrigated, and applicant's statement that the rights have not undergone a period of five or more consecutive years of non-use.

Injury to Other Water Rights: Injury should not occur under this proposal. No additional amount of water is proposed for diversion. The new diversion will be regulated by Water District 65A watermaster to avoid injury to other water users.

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 number of acres within the proposed PP/U. The rights proposed for transfer are primary irrigation rights and will remain such. Right 65-23278 currently has 2 P/Ds, one in Section 16 and one in Section 17 of T07N R01E. These P/Ds serve property in Sections 9, 16, and 17. It stands to reason the P/D in Section 16 is the P/D which serves the applicant's portion of this right in Section 9. The proposed P/D is approximately 350 feet downstream of the P/D currently serving the applicant's portion of 65-23278 and approximately 1000 ft downstream of the P/D currently serving 65-22783. Although the proposed P/D is downstream from the existing P/Ds, enhancement of water supply for the rights proposed for transfer is not likely to occur due to the proximity of the proposed P/D to the existing P/Ds and the fact that no tributaries enter Squaw Creek between the existing P/Ds and the proposed P/D.

Local Public Interest: Allowing the applicant to divert water for only her portion of the rights proposed for transfer from a diversion regulated by a watermaster 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 records for the rights proposed for transfer. The rights are not subject to the SRBA as they were developed after 1987. Right 65-23278 resulted from a split of parent right 65-23159. An incorrect volume was issued for 65-23278 during processing of the change of ownership. This transfer, should it be approved, serves as an opportunity to correct this volume error in the remainder piece of the right when the right is split.

The transfer application, as drafted, proposes to change a 2 acre portion (0.02 cfs/9.0 af) of right 65-23278 into the applicant's name for irrigation within the proposed PP/U. Based on an analysis of the current P/U shape for the right, it appears the applicant owns approximately 2 acres of the current 12.8 acre P/U. The right authorizes irrigation of 8.1 acres within the 12.8 acre PP/U based on analysis of the previous split and associated parent right. It appears the applicant proposed 2 acres of irrigation based on the understanding that the right authorizes irrigation of the entire P/U (12.8 acres). However, the applicant's portion of the right authorizes irrigation of 1.3 acres. I discussed this with the applicant during a telephone conversation 2/10/2010. I did not require the applicant to amend the transfer application, because the applicant's intentions are clear and the Department is authorized to grant approvals for quantities less than those proposed by applicants.

The P/D(s) of rights 65-23160 and 65-23279 overlap the existing P/D(s) for the rights proposed for transfer. These rights irrigate different acres. The proposed P/D and PP/U have no existing overlapping rights, however application for permit 65-23348 proposes to use the same P/D for irrigation of different acres within the proposed PP/U if approved.

Watermaster comments will be requested from the Squaw Creek Water District 65A during the advertising process.

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.