

MEMORANDUM

TO: Transfer No. 76301 File

FROM: Angie Grimm

DATE: February 18, 2010

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to amend a portion of Squaw Creek Ditch Company's service area boundary and add a point of diversion to serve a shareholder's (Mike Young) proposed irrigation practices (Transfer No. 74880). This transfer is being expedited to process in conjunction with Young's Transfer No. 74880 to avoid enlargement of Young's private rights, which are used in conjunction with Squaw Creek Ditch Co. (Ditch Co.) shares.

The site is along the Sweet-Ola Hwy approximately 2 miles north of the intersection of the hwy and Brownlee-Liberty Rd on the west banks of Squaw Creek in the Sweet Valley approximately 3 miles north of Sweet.

Contact person for the applicant is Lori Graves, SPF Water Engineering LLC.

Summary of Information Submitted

Authority to File: The applicant is the current owner of record and has authority to change the rights proposed for transfer.

Water Right Validity: Rights are presumed to be valid, because the rights were decreed in September 2004 for delivery by an irrigation ditch company that continues to deliver water to its shareholders. 2009 aerial photography indicates irrigation is still occurring within the service area of the rights.

Injury to Other Water Rights: Injury should not occur. There is no enlargement of use proposed and the proposed diversion will be regulated by watermaster of Water District 65A should Transfer No. 74880 be approved as currently drafted.

Enlargement of Use: There will be an increase in diversion rate, diversion or consumptive volume, or number of acres irrigated as a result of the transfer. The acres previously irrigated by Young within the existing service area will no longer be irrigated by Squaw Creek Ditch Co. shares or private right(s). The POU change proposed by this transfer is to avoid enlargement of Young's private rights should the POU change proposed in Transfer No. 74880 be approved.

Local Public Interest: Authorizing the applicant to add a point of diversion and change the POU to accommodate a shareholder's proposed changes in irrigation practices serves the local public interest by allowing that shareholder to make maximum extent of beneficial use of the water per current land conditions.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use(s) 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

Transfer data entry will affect the water right records of 65-2379, 65-3043, and 65-3044. These rights were decreed 9/24/2004 and the records were migrated from adjudication records to allocation records prior to transfer filing and subsequent data entry.

A comment letter will be sent to the Watermaster of Water District 65A during advertising of the transfer application.

The proposed P/D for the Ditch Co. rights is an existing pump currently diverting two private rights; 65-3045X and 65-11217. These rights are subject to Transfer No. 74880 (Young) and Transfer No. 75763 (Dahlstrom) currently being processed in conjunction with this transfer. These transfers propose to split the rights based on ownership and change the P/D for Dahlstrom's portion. The rights were split prior to transfer data entry for these transfers. The Young and remainder portions of these rights, owned by Probst, will continue to divert from the existing P/D. Therefore, the proposed P/D of the Ditch Co. transfer will overlap the P/D for rights 65-23363, 65-23364, 65-23366, and 65-23367. These are privately owned water rights that do not need to be included in this transfer. There are no other overlapping rights for the existing or proposed P/Ds. No other water rights need to be involved in the processing of this transfer.

The proposed P/D is on property owned by Young. Young's proposed transfer and involvement with this application verify his consent for the Ditch Co. to establish diversions on his property.

Diversion under the Ditch Co.'s main headgate must be reduced by the amount requested to be pumped from the creek at the new P/D to prevent injury and enlargement of use. The new P/D will remain subject to Watermaster control.

A reduced fee was paid for this transfer. The applicant paid a fee for a change to 0.12 cfs (6 shares) to be diverted and used by Young from the proposed P/D at the new P/U. Statewide ads are not needed even though one right proposed for transfer exceeds 10 cfs, because the proposed change is for a minor amount of water.

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.

Unusual Conditions of Approval:

1. Modify Watermaster control conditions to require lockable control valves on new P/Ds prior to diversion but to require measuring devices only upon future notification by the Director.

2. Diversion from the existing Ditch Co. P/Ds in SESW Section 15 and NENW Section 3 shall be reduced by 0.12 cfs to be diverted from the new P/D in SENW Sec 22.
3. Condition 004 about right-of-way re new P/D.