

MEMORANDUM

Date: January 22, 2009, Updated March 24, 2009

To: Transfer 75207

From: DKidman

Re: Comment/Analysis

This transfer proposes a change in POD from the Pugmire Canal to a pump into the Bear River and change the POU to what has been historically irrigated. Current delivery system, flood irrigation, is a rock dam in the Bear River, diverting water down the Pugmire Canal. It has become impossible to deliver water to system when the Bear River flow is low. Tom Bassista (IDWR Stream Channel) recently visited the site to see if they could increase the dam to obtain the necessary water. Applicant discussed the possibility of placing a pump in the Bear River and pumping the water to a pivot that would be installed. A pivot will be installed and applicant plans to use hand lines to cover where the pivot won't reach. Both the pivot and hand lines will be running at the same time. Tom Bassista was in favor of transferring the POD from the Pugmire canal to pumping directly out of Bear River. Increasing the dam would cause damage to the river and has a possibility of injuring other water right holders downstream.

The water right was decreed as 213.2 acres with a rate of 6.9 cfs. I propose that the change of POU be recommended and the diversion rate remains at 6.9 cfs as it was decreed. This transfer will also result in an ownership change.

I had the decree deed plotted which resulted in finding a duplication of 18 acres that was included in the total acres for the decree. The last paragraph lists 18 acres in Sec 34 which are actually included in the 210 acres of the first paragraph. This should help explain why I say that the water right was decreed as 213.2 acres and not the 231.75 acres listed in the decree.

Authority to File:

Applicant has submitted warranty deeds and delivery records to support ownership of the water right. Water right is in the name of Pugmire Livestock and Land Co. Warranty deeds provided by applicant shows the trail of deeds as: Pugmire sold property to Norval R. Kidman on March 11, 1960, Kidman sold property to Golden B. Keetch and Jean C. Keetch on October 31, 1960. Golden B. Keetch passed away on April 3, 2005, death certificate provided, so Jean C. Keetch has applied for the transfer.

Water Right Validity:

This water right was decreed on April 15, 1877 in the Preston-Montpelier Irrigation vs. Dingle Irrigation CO. case. It was decreed at a rate of 6.9 cfs 4-15 to 7-01 with a reduction to 4.6 cfs 7-01 to 9-30. On the last page of the decree, it states that the rate for 4-15 to 7-01 will be 0.03 cfs/acre and during 7-01 to 9-30 the rate will be 0.02 cfs/acre. Rates were adjusted to reflect the decreed cfs proportionate to each acre.

Injury to Other Water Rights:

Transferring the POD from Pugmire Canal to the Bear River will not injure anyone on the canal since applicant had the only water right that uses the Pugmire Canal. The Keetch proposed POD will still be upstream of the Dingle Canal and will have no impact on the users of the canal. After reviewing the topographical and aerial photography, it was determined that there will not be any injury to other water rights by the approval of this transfer.

The water right is inside the Bear River Ground Water Management Area and in Water District 11.

Enlargement of Use:

There is not evidence of enlargement of use.

Local Public Interest:

No issues identified

Beneficial Use/ Conservation of Water Resources:

Installment of pivot and pump in the Bear River will increase efficiency use of water. This will help prevent injury to Bear River if the dam was to be increased. Water right was decreed with a diversion rate greater than 0.02 cfs per acre.

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.