

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 1/11/2006

RE: JOYCE PEARSON TRANSFER 72547, RIGHTS 61-371A AND 61-372

The purpose of the transfer is to change the points of diversion to a single diversion point on property owned by the applicant. The transfer will move the points of diversion in the SW S8 T5S R10E approximately 1 ¼ miles upstream from where Marrow Reservoir Road Crosses Little Canyon Creek to the NENE S19 T5S R10E Elmore County to just south of the crossing of Marrow Reservoir Road and Canyon Creek. This transfer will not change the place of use.

AUTHORITY TO FILE:

The applicant is the owner of record, so no ownership information is required.

WATER RIGHT VALIDITY:

The Rights are presumed valid since the right was decreed in the Snake River Basin Adjudication (SRBA) on 10/26/2000.

INJURY TO OTHER WATER RIGHTS:

This use has been in existence with no complaint from neighbors or other water users. Although the water will only be diverted from a different location, no injury anticipated.

ENLARGEMENT OF USE:

No expansion of the right is being proposed

LOCAL PUBLIC INTEREST:

There is nothing to suggest that this application is not within the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

Applicant proposed beneficial use consistent with irrigation standards for the area.

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

NARATIVE

A new neighbor inadvertently plowed under the original ditch for these water rights. The new diversion is downstream of the old diversion on the applicant's property. This should solve many issues on this creek and provide a much easier diversion point for the watermaster to regulate these water rights.

There are no overlapping water rights shown for the new point of diversion. King Hill Irrigation District water is used on the place of use. The transfer approval will be conditioned accordingly. These rights are not supplemental water rights. The applicant uses the full allotment of Canyon Creek water until it is gone, then use King Hill Irrigation District water when available.

The place of use for both of these rights is 80 acres of ground. Therefore, this transfer should contain a condition that ensures that diversion of water for this property is limited to 0.02 cfs and 4.0 afa per acre at the field headgate, when these rights are combined. This should allow the owner to divert less water from the creek than has been done historically.

CONDITIONS AND SUGGESTIONS

This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.