

MEMORANDUM

Date: May 2, 2006
To: Transfer 72542 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application filed to change the place of use of 0.10 cfs of water currently diverted from Cottonwood Creek &/or McMullen Creek and used for the irrigation of 6.7 acres of land located approximately 5.9 miles south and 0.6 miles west of the center of Kimberly. The proposed new place of use will consist of 3.8 acres of irrigation located approximately 6.0 miles south and 0.45 - 0.65 miles west of the center of Kimberly. The existing point of diversion location from McMullen Creek located approximately 6.0 miles south and 0.5 miles west of the center of Kimberly will serve as the point of diversion for the 0.10 cfs being transferred. Note that the transfer proposes consolidating 6.7 acres of water onto 3.8 acres of land. This results in a duty of water greater than 0.02 cfs per acre, but less than the allowed 0.03 cfs for small acreages (less than 5.0 acres). Also note that the untransferred portion of the right resulting from this transfer is subject to companion transfer # 72543. The transfer is based on an SRBA recommendation, 47-2401, which is based on an IDWR transfer (# 3494) that was approved in January of 1991. Despite being a surface water right, the recommendation includes a diversion volume that appears to result from the previously approved transfer and the original licensed right. Note that the SRBA recommendation lists the source of water as Mc Mullen Creek tributary to Rock Creek, as described in approved transfer # 3494. However, this appears to be an error in the transfer # 3494 approval and subsequent SRBA recommendation (based on transfer approval) since the USGS quadrangle indicates that Mc Mullen Creek is tributary to Cottonwood Creek. Note that other SRBA recommendations list Mc Mullen Creek as tributary to Cottonwood Creek. If this particular transfer is approved, then the source for the transferred portion should list Mc Mullen Creek as tributary to Cottonwood Creek.

- **Authority to File:**
Applicants are listed as the current owners of record of the right being transferred according to IDWR records, and have provided copies of deeds showing that they are the owner of the properties (existing and proposed POU) involved with the transfer.
- **Water Right Validity:**
A preliminary SRBA recommendation, not yet reported to the court, serves as the basis for this transfer. The right was also involved with an IDWR transfer (# 3494) that was approved in January of 1991.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. Consolidation of water onto fewer acres results in an overall reduction in allowed diversion volume and consumptive use.
- **Local Public Interest:**
Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is a beneficial use of water.

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.