

MEMORANDUM

DATE: December 12, 2005

TO: Water Right File 02-2345

FROM: Shelley W. Keen 

RE: Place of Use

Last week I met with Terry Ketterling and Jack Post of the South Elmore Irrigation Company to discuss the place of use for Permit 02-2345. IDWR issued the permit to South Elmore in 1965 for the irrigation of 320 acres in the E½ of Section 22, T5N, R6E, B.M. Because South Elmore has several other water rights that have changed over time, it was difficult for IDWR field examiners and reviewers in the 1980s and 1990s to discern just how the beneficial use under this permit was established, or even if South Elmore had established any beneficial use at all in connection with this permit. Mr. Ketterling, Mr. Post, and I met to determine once-and-for-all if IDWR should issue at license in connection with Permit 02-2345.

In 1996 a water right transfer changed the authorized places of use for Rights 02-2269 and 02-2367 to include the permitted place of use for Permit 02-2345. In the Snake River Basin Adjudication (SRBA), IDWR recommended that the places of use for Rights 02-2269 and 02-2367 mostly match the changes authorized by the transfer, except that small exclusions were made in some areas so that the acres could be moved to land in the SW¼ of Section 15, T5N, R6E, and the NW¼ of Section 22, T5N, R6E, which aerial photography showed had been irrigated with water diverted by South Elmore prior to the commencement of the SRBA in 1987. The changes to Rights 02-2269 and 02-2367 resulting from the transfer and the SRBA recommendations made it appear, at first glance, that there were no additional lands on which Permit 02-2345 should be licensed.

During our meeting, however, Mr. Ketterling and Mr. Post noted that some fields in the SW¼ of Section 22, T5N, R6E, and the N½S½ of Section 16, T5N, R6E, appeared to have been irrigated by 1987, but were not covered by a water right. They stated that they hoped those fields could be covered by a water right. I explained that irrigation of those fields could not be attributed to Permit 02-2345 because proof of beneficial use for Permit 02-2345 had been submitted in January of 1976 and the fields in the SW¼ of Section 22 and the N½S½ of Section 16 did not appear irrigated in the 1975 aerial photography. We also noticed, however, that the land in the SW¼ of Section 15 and the NW¼ of Section 22 was irrigated in 1975.

Based on our review of the 1975 and 1987 aerial imagery, Mr. Ketterling, Mr. Post, and I thought that if the SRBA recommendations for Rights 02-2269 and 02-2367 could be adjusted to cover the lands in the SW¼ of Section 22 and the N½S½ of Section 16 that were irrigated by 1987 apparently without a water right, Permit 02-2345 could be licensed on the land in the SW¼ of Section 15 and the NW¼ of Section 22 that was irrigated by 1975. I checked to see if there had once been water rights on the land in the SW¼ of Section 22 and the N½S½ of Section 16 that had been transferred away in the past. Concluding that there had not been, I agreed to suggest this option to the Adjudication Bureau reviewer and the licensing reviewer.