

MEMORANDUM

Date: November 15, 2004
To: Water Right File 21-2126
From: kwilson
Re: Field Report Narrative

The field examination was conducted on 09/24/2002, with Wendell Gaston, son-in-law of renter. Wendell showed me two locations that had been used as points of diversion for a portable mainline and tractor pump. The locations did not have any obvious evidence of a diversion (see Photos). However, at Site 2 there was a trench that could have been used for the portable mainline. During the exam Wendell and I reviewed the aerial photos and adjudication claim. He agreed that the irrigation system had irrigated the approximately 20 acres indicated on the adjudication claim. Wendell stated that the area irrigated had been dry farmed for the past several years, and that the tractor pump and mainline were no longer around.

The only evidence of irrigation of the place of use, indicated on the adjudication claim and recommended in the field exam report, is on the DOQQ aerials and appears as darker than any of the adjacent cultivated (dry farmed) ground.

The Water Master of Water District 01 is currently responsible for the regulation of diversions from this tributary of Conant Creek. To divert water with a priority date of August 22, 1961, would require the rental of storage water prior to the diversion for most irrigation seasons.

The following conditions could prevent use of this water right in any given irrigation season:

1. Crop rotation.
2. Land could be fallowed.
3. Lack of rental water due to drought conditions.
4. No water available.
5. Wet Spring.
6. No contract/lease to farm ground.
7. Governmental set-aside programs.

Based on the observations from the field examination and the history of this permit, this examiner believes that a water right was established and the permit can be licensed. However, it is also the opinion of this field examiner that the holder of this permit should be notified that they are required to file an extension of time to avoid forfeiture based on Section 42-222, Idaho Code.