

MEMORANDUM

Date: April 15, 2004
To: Transfer 71090
From: kwilson
Re: Evaluation

This transfer proposes to identify the acres and place of use for 11-2003, and split right 11-0442 into 11-7520 (remainder) and 11-7521 (split). License 11-2003 will be recognized for 0.70 cfs and 35 acres of irrigation. The remaining portion of water right 11-0442 [11-7520 (0.19 cfs)], will remain on 10.2 acres. The split portion of 11-0442 (11-7521, 2.81 cfs/149.8 ac) along with license 11-2003 (0.70 cfs for 35 ac) will irrigate 184.8 acres (149.8 ac + 35 ac) under a center pivot.

Authority to File:

The Presbytery of Kendall Inc. is a registered corporation in the state of Idaho. Larry Bull is the trustee for Hilda Thompson Revocable Trust, and the person entitled to the distribution of property. The Presbytery of Kendall is authorized to distribute the real property to Larry Bull as evidenced by the enclosed deed of distribution by trustee.

Water Right Validity:

Water right 11-0442 was decreed July 14, 1920, in the case of Last Chance Canal Co. vs. Utah Power and Light Co. The Idaho Department of Water Resources licensed water right 11-2003 on November 27, 1905.

License 11-2003 does not specify the number of acres irrigated however the microfiche includes a document from the State of Idaho Board of Irrigation (November 8, 1905), that states: ...that 35 acres was reclaimed by the beneficial application of water...enclosed plat... The enclosed plat/map appears to indicate that a portion of the SESE Sec 14 (about 9 acres), and the NENE Sec 23 (about 26 acres) was cultivated. Based on this document and the fact that the license was issued for 0.70 cfs (35 ac X 0.02 cfs/ac) I recommend that 35 acres be recognized as irrigated under license 11-2003.

Injury to Other Water Rights:

Craig Hill, water master for Water District 11B, has indicated in his comments that the water is only available early in the season, and then there is no water to be diverted at the original point of diversion. The new place of use and new point of diversion is located downstream within 3/4 of mile of the original place of use and diversion point. The water master comments also pointed out that the new diversion point would have water available all season. Mr. Hill indicated in a phone conversation that these water rights are junior to the major downstream water rights.

Delivery of water rights based on the priorities would prevent injury to any other water rights.

Enlargement of Use:

Water right 11-442 (11-7520 and 11-7521) was decreed on 160 acres within a 240-acre legal description, and license 11-2003 is being recognized for irrigation of 35 acres within an 80-acre legal description for a total of 195 acres [11-0422 (11-7520) = 10.2 ac, 11-442(11-7521) + 11-2003 = 184.2 ac].

Local Public Interest:

No issues identified.

Beneficial Use Conservation of Water Resources:

The application of water by sprinkler irrigation is the current best practice for conservation of water resources.

Review of this application finds no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Other Issues:

No other issues to be considered are evident.