

MEMORANDUM

Date: March 03, 2004
To: Transfer 71016
From: kwilson
Re: evaluation

This transfer proposes to add an existing well as a second point of diversion to 22-04052 a beneficial use water right.

Authority to File:

Subject land is owned by BHA Inc. with Helen F. Ashcraft as President of corporation, as evidenced by the warranty deed and documentation supplied on the Idaho Secretary of State web page. BHA is also recorded, on the SRBA Claim, as the current water right owner.

Water Right Validity:

This right is based on a beneficial use claim, claiming a priority of 09/01/1961. The point of diversion claimed was measured at 3.64 cfs in 08/16/1961 for license 22-2168. Documentation of irrigation under 22-4052 can be seen in the undated FSA (ASCS) aerial photos in field exams for license 22-7007 (Exam 07/30/1971) and 22-2256 (Exam 05/29/1973). These FSA aerial photos show 78.2 acres in the N1/2SE1/4 of Sec 16, T06N R41E. Historically the FSA has excluded any area of a field that had rock piles or was poor ground in determining acres for crop reporting. According to the Madison County FSA Office aerial photographs in their office in 1971 would have been taken either in 1962 or 1968. Evidence of priority provided is invoice number 6261, dated 06/19/1962 from Ames Irrigation Service, listing numerous irrigation system components. The Ashcrafts have stated that the ground was irrigated from the well under 22-2168 at the time of licensing. At that time the ground was owned by the state and was not included in the original application. The land was purchased in 1961 from the state.

I find compelling evidence that a water right has been established for 22-4052. Under 22-2168 (234 ac) and 22-4052 (80 ac) system rate = 0.01159 cfs/ac ($3.64 \text{ cfs}/314 \text{ acres}$). Recommend 80 acres of irrigation at a rate of 0.97 cfs ($80 \text{ ac} \times 0.01159 \text{ cfs/ac}$). Irrigate acres includes any small rock piles or poor ground. The place of use is on the Rexburg Bench so the source for water would be ground water. Based on past experience working with aerial photos available from the FSA office, it is my opinion that the aerial photos in the files for 22-7007 and 22-2256 would be dated 1962. These 1962 aerial photos indicate an established irrigated field. This would lead me to agree that the land was irrigated on 08/16/1961, and thus agree with a 09/01/1961 priority.

Injury to Other Water Rights:

The place of use and points of diversion are outside of the Eastern Snake Plain Aquifer, therefore, this transfer would not require modeling based on the ESPA Spreadsheet. The system proposed in this transfer reflects an existing irrigation system that needs to have an existing point of diversion in the NENE Sec 21, T06N, R41E, added as a second point of diversion.

Enlargement of Use:

There is no observed or identifiable issues related to enlargement.

Local Public Interest:

It would appear to be in the local public interest to continue irrigation of this land.

Beneficial Use / Conservation of Water Resources:

The current irrigation practices provide techniques to efficiently manage irrigation water in a manner to achieve beneficial use and conservation of water resources.

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.