

MEMORANDUM

Date: September 10, 2003
To: Transfer 70772
From: kwilson
Re: Evaluation

This transfer proposes to eliminate ditch loss by moving the point of diversion approximately 1.1 miles downstream to a pump on Squirrel Creek.

Authority to File:

Larry D. and Deanna Orme own the lands under these water rights as evidenced by a warranty deed, and they are the recorded water rights owners.

Water Right Validity:

Both water rights are based on water rights decreed to A. C. Langley in the Rexburg Irrigation Co. et. al. vs. Teton Irrigation Co. et. al. dated December 16, 1910, and evidenced in Transfer #2278.

Injury to Other Water Rights:

The water master for Water District 01 regulates the delivery of water rights 21-0070 and 21-0071. By moving his point of diversion downstream diversions located between the current and the proposed point of diversion would benefit by having the water remain available in the creek.

Enlargement of Use:

The water master for Water District 01 regulates the diversions from Squirrel Creek. The total acres irrigated under these rights are limited to a total of 160 acres within a permissible place of use. The applicant also has water available under the Boom Creek Canal as evidenced by water right 21-00148. In addition the applicants have Exchange #2672 for rights 21-2156P (84.4 AF) and 21-1257M (15.6 AF) for 100 AF of storage from Fremont-Madison Irrigation District.

It should be noted that only exchange right 21-2156P has been filed in the Snake River Basin Adjudication, but the status is temporary not active.

Transfer #70772 does not appear to be an enlargement of use under water rights 21-0070 and 21-0071.

Local Public Interest:

Changing the point of diversion pursuant to this transfer would be beneficial to diversions located between the original and the new point of diversion by leaving water in the natural streambed of Squirrel Creek. Approval of Transfer #70772 should have no effect on down stream users.

Beneficial Use Conservation of Water Resources:

Changing the point of diversion is consistent with the conservation of water resources by eliminating ditch loss and leaving the water in the natural streambed of Squirrel Creek.

Review of the application does not reveal any inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of the application.

SCANNED

SEP 12 2003