

MEMORANDUM

Date: March 30, 2022
To: Transfer 85773
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use for Big Lost River water rights 34-301E and 34-301F, and ground water right 34-2496. These three rights are currently combined over a 104-acre place of use. The transfer proposes to retain a 104-acre place of use for ground water right 34-2496, but reduce the place of use for the two surface water rights to 100 acres. The area covered by the four acre difference in places of use is a property owned by Reynolds' son and daughter-in-law, Nicholas and Alisa Reynolds. Nick and Alisa signed the transfer application.

Authority to File:

The applicants are the current owners of record. The Butte County tax lot data shows Richard and Jacqueline Reynolds as the owners of the proposed place of use, except for the four acres on the property owned by Nicholas and Alisa Reynolds. Nick and Alisa provided a written statement authorizing the right to be moved to their property.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 1998 and 2001. These rights were recently approved in Transfer 80006 in 2015. Review of 2019 aerial photography shows growing vegetation on the place of use. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

Other rights do not appear to be injured by the proposed change. The place of use is very similar to the current place of use. Neither the points of diversion nor the quantity authorized to be diverted will change as a result of the transfer. The water master was notified of the change and did not provide a comment. Because the transfer will not result in any change to the authorized source or any hydraulically connected source, the application was processed without public notice.

Enlargement of Use:

The proposed change does not appear to result in enlargement because neither rate nor volume nor irrigated acreage will increase as a result of the transfer. There are no overlapping water rights on the property. The application proposes to reduce the number of acres for water right 34-301F from 9 acres to 5 acres. Rights 34-301F and 34-2496 bear a combined rate and acre limit. This combined limit will be carried forward in the approval.

Local Public Interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

Water right 34-301F will be reduced from 9 acres to 5 acres. The authorized rate for this right is 0.20 cfs. Applicant proposes to retain the full rate for the right to offset conveyance losses in the East Side Canal, which can exceed 50% of the rate. Approval will include a condition on water right 34-301F noting that 0.10 cfs of the right is used to offset conveyance losses.

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.