

MEMORANDUM

Date: May 18, 2022
To: Transfer 85895
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to add a point of diversion to water rights 31-269 and 31-271. The proposed point of diversion (Pintail Diversion) is located three miles south of the southernmost existing point of diversion (West Side Diversion). Camas Creek is a losing stream through the wildlife refuge.

Authority to File:

The applicant is the current water right owner of record. Jefferson County tax lot data shows the applicant as the landowner of the proposed point of diversion. The applicant has authority to make the change.

Water Right Validity:

The rights involved in this transfer were decreed in the SRBA in 2002. There is no evidence available to IDWR that would indicate five consecutive years of nonuse. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

The quantity authorized to be diverted will not change as a result of the transfer. The transfer was advertised without protest. The water master was notified of the transfer and indicated that he does not oppose the approval of this application if it is conditioned to prevent injury. The water master stated, "I do not oppose the transfer if water is called for at this POD and natural flow is going by. I do oppose this POD if a water call is made on a junior right holder without some kind of bed loss." The approval includes a condition noting that the right holder bears any losses in the stream between the West Side Diversion and the Pintail Diversion.

Enlargement of Use:

The proposed change does not appear to result in enlargement because neither rate nor acreage will increase as a result of the transfer.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

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.