

MEMORANDUM

Date: May 18, 2022
To: Transfer 85943
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This application proposes to change the point of diversion and place of use for a 14-acre portion of water right 34-420. The 14-acre portion will be combined with water right 34-353 (92 acres) to irrigate 106 acres. The proposed place of use reflects the current irrigation system - center pivots instead of wheel lines.

The point of diversion for water right 34-353 will be updated to coincide with the current geographic coordinate database (GCDB) grid. The point of diversion (Freeman Ditch headgate) is located on a quarter-quarter line. The point of diversion for water right 34-353 will not change physically. The legal description will simply be updated to match the current QQ grid.

Authority to File: KFF 301 Trust is the current owner of record for water rights 34-353 and 34-420. KFF 301 Trust is the owner of the existing and proposed places of use. The applicant has the authority to make changes to water rights 34-353 and 34-420.

Water Right Validity: Water rights 34-353 and 34-420 were decreed in 2001. Aerial imagery shows consistent irrigation under the rights. Forfeiture is not an issue.

Injury to Other Water Rights: No issues identified. Watermaster for WD 34 was notified of the transfer and did not provide comment. Department published notice of the application. No protests were filed. Point of diversion on Warm Springs Creek is moving from one branch of the creek to a separate branch. Aerial photos show the various branches of Warm Springs Creek remain flowing throughout the irrigation season. Transfer could be characterized as an exchange, although both branches are identified as Warm Springs Creek. Even if the transfer is characterized as an exchange, there will be no impact to other water users on Warm Springs Creek because the two branches remaining flowing and connected throughout the irrigation season.

Enlargement of Use: No issues identified. 14 acres will be taken out of production at the existing place of use for water right 34-420.

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.