

MEMORANDUM

Date: April 19, 2022
To: Transfer 85926
From: Brian Normandeau
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes changing the place of use of water rights 34-57 and 34-58. Twenty-one acres from the NESE are being moved to the SENW (Lot 19) of Sec 6 T09N R22E to allow the applicant to relocate a center pivot.

Authority to File:

The transfer applicant is Dickey Livestock Inc., and the application was signed by Gordon Fulton, Registered Agent - Dickey Livestock Inc. The water rights are currently owned by Dickey Livestock Inc. and Gordon Fulton. Based on Custer County parcel data, the water rights are being moved from land owned by Gordon Fulton to land owned by Dickey Livestock Inc.

Water Right Validity:

The rights involved in this transfer were decreed in 2001. The pre-transfer place of use covers 33 acres in the NESE. This is consistent with what has been irrigated in that QQ since the time of the decree based on aerial imagery. Some areas within the place of use are only irrigated in above average water years. The sources of the water rights (Rock Creek and Willow Creek) are flow limited during drought years. The department does not have clear and convincing evidence of forfeiture.

Injury to Other Water Rights:

The changes proposed are to the place of use only, and do not appear to impact any other water users. The watermaster for Water District 34 indicated no opposition to the proposed changes. No issues identified.

Enlargement of Use:

The diversion rate and total irrigated acres authorized by these rights are not changed by this transfer. Right 34-2288 partially overlaps the POU of the rights being transferred, but the acres being moved are not part of the overlapping area. No issues of enlargement identified.

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.