

MEMORANDUM

Date: January 3, 2022
To: Transfer 82751
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to create a permissible place of use for water rights 74-49, 74-379 and 74-1856. These three rights in combination are limited to the irrigation of 72 acres. Although the SRBA partial decrees for the rights do not contain combined acre limit conditions, it is clear the places of use for the rights overlap. Application does not propose to change any of the points of diversion. Water right 74-1856 includes stockwater as a beneficial use. The place of use for stockwater will not change. The original applicant, David Udy, filed Application for Permit 74-16205 to cover the 60 acres in the permissible place of use not covered by the 72-acre combined rights.

Authority to File: The application was submitted and signed by David L. Udy. Mr. Udy was the owner of record for the three water rights at the time the application was filed. He was also the owner of the proposed place of use at that time. The place of use, the water rights and this application were conveyed by David Udy to his son, Merritt Udy in 2021. The ownership records have been updated for water rights 74-49, 74-379 and 74-1856. Transfer approval will be issued in the name of Merritt Udy.

Water Right Validity: The rights are presumed to be valid. The three rights were decreed on April 3, 2012. General satellite imagery confirms that water has been applied to the POUs associated with this transfer during the last 5 years. Forfeiture is not a concern.

Injury to Other Water Rights: The applicant does not propose any changes to the points of diversion ("PODs"), therefore there is no concern for injury with respect to the PODs. Application was protested by Idaho Department of Fish & Game. The protest was resolved by Udy accepting a condition on his rights limiting the rights to 72 acres of irrigation within the permissible place of use.

The proposed 132-acre place of use is in the same area as the existing places of use. The requested acres to add to the proposed place of use are adjacent to the existing places of use and are within the same drainage. As long as conditions are set to prevent enlargement, there is no evidence that other water rights will be injured if this transfer is approved to modify the places of use.

Enlargement of Use: The places of use of the three rights are overlapping and limited to a 72-acre boundary. Water rights 74-49, 74-379, and 74-1856 will bear a combined use limit of 72 acres to prevent enlargement. The applicant states that the remaining 60 acres within the proposed PPU will be irrigated by a proposed water right (Application for Permit 74-16205) or will remain dry.

Local Public interest: Watermasters did not provide comment. Because of the local interest in other applications for permit that were filed at the same time as Application for Permit 74-16205, this application for transfer was advertised to allow for comments from the public.

Beneficial Use/Conservation of Water Resources: Irrigation is a recognized beneficial use and no concerns about water conservation were identified during this review.

The proposed transfer would not change the quantity of water or nature of use of the decreed water rights. The assessments of beneficial use and conservation of water resources for the original decrees still stand.

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.