

MEMORANDUM

Date: September 15, 2021
To: Transfer 84955
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

This is the fourth of four related transfers filed to update water right ownership and use based on a recent water right allocation agreement. This transfer corrects the points of diversion for 29-2563 (no physical change) and rearranges the place of use of the rights remaining at the current place of use after the first 3 transfers. Right 29-2563 was decreed for storage purposes but was limited to 24 acres. However, the storage is used together with rights 29-4144 and 29-11419 on the entire place of use. Since irrigating additional acres with a storage right is not considered enlargement, it doesn't make sense to retain the acre limit. Therefore, it will be removed in the transfer.

Authority to File:

Ownership of rights 29-2563, 29-4144 and 29-11419 was updated to Thompson Family Investments LLC in 2012. The applicants provided a copy of a water right allocation agreement demonstrating ownership of the water right portions included in the transfer. Part of rights 29-2563, 29-4144 and 29-11419 is currently located on land owned by Burmester. However, a deed found in approved transfer 84409 shows that these water rights were withheld from the sale to Burmester. The applicants provided a deed showing their ownership of the proposed points of diversion and place of use.

Water Right Validity:

Rights 29-2563, 29-4144 and 29-11419 were decreed in the SRBA in 2004. Aerial imagery shows regular irrigation of the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights should not be impacted by the proposed changes. The transfer application was advertised and no protests were filed. The Water District 29H watermaster did not oppose approval of the transfer.

Enlargement of Use:

The rights included in this transfer are part of a 110-acre combined place of use and 43.5 of those acres is stacked with Portneuf Marsh Valley Canal Co. shares. The applicants propose to unstack acres while a portion of the current place of use continues to be irrigated with canal shares. However, the total water right quantities from the four related transfers combined will not increase, and the rights will continue to be stacked with 43.5 acres that are covered by canal shares (see Transfer 84954). Therefore, the proposed changes will not result in enlargement.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

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.