

MEMORANDUM

Date: August 2, 2021
To: Transfer 85103
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to establish a permissible place of use for water rights 35-13609, 35-13991, 35-14040, and 35-7246M. The PPU will consist of 320 acres, of which 156.1 acres will be irrigated.

Authority to File:

The applicant is the current water right owner of record for water rights 35- 13609, and 35-7246M. The applicant provided adequate documentation to update ownership records for rights 35-13991, and 35-14040 into their name. Bingham County tax lot data shows the applicant as the owner of the proposed place of use. The applicant has the authority to make the change.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 2002 and 2003. Water rights 35-13609, and 35-7246M were approved in transfer No. 80764 in 2016. Right 35-13991 was with the water supply bank until December of 2015. Right 35-14040 was approved in transfer No. 84705 in 2021. The Department does not have clear and convincing evidence of forfeiture at this time.

Injury to Other Water Rights:

Other rights do not appear to be injured by the proposed change. Neither the points of diversion nor the quantity authorized to be diverted will change as a result of the transfer. The water master was notified and did not oppose the approval of this transfer. Since it is clear that the proposed change will not adversely impact other water rights, this application will not require public notice.

Enlargement of Use:

The proposed change does not appear to result in enlargement because neither rate nor volume nor irrigated acreage will increase as a result of the transfer. The rights involved in this transfer will irrigate 156.1 acres within a 320 acre permissible place of use. There are no overlapping water rights on the property. The initial 156-1 acre place of use is strange. It is required, however, to accomodate a WSB Rental for the 2021 irrigation season. The irrigated acres shape will be adjusted after the irrigation season.

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.