

MEMORANDUM

Date: July 20, 2021
To: Transfer 84959
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to add a second point of diversion to ground water rights 34-2281A and 34-2361A. The second point of diversion will be a new well. The transfer also proposes to create a 349.5-acre permissible place of use for water rights 34-708B, 34-709B, 34-2281A, 34-2361A and 34-14755. .

Authority to File:

The applicant is the current owner of record for all of the rights. According to Custer County taxlot data the applicant is the current owner of the current and proposed place of use.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 2001 and 2002. Review of 2004, 2006, 2009, 2013, 2017, 2019 aerial photography shows growing vegetation on the current place of use for water rights 34-2281A, 34-2361A, 34-708B, and 34-709B.

Department records, aerial photography, and NDVI data show that water right 34-14755 has not been used in the last five years. The Applicant provided evidence that water right 34-14755 is a junior right from a poor source (Congdon Springs) and is rarely available. The senior rights on Congdon Springs take the full flow of the springs for most of the irrigations season. Forfeiture does not appear to an issue.

Injury to Other Water Rights:

Other rights do not appear to be injured by the proposed change. The quantity authorized to be diverted will not change as a result of the transfer. Water District 34's Water Master was notified and did not oppose the approval of this transfer. The transfer was advertised without protest. Proposed POD is within the same ESPAM model cell as the existing POD.

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 place of use for this transfer is simply being rearranged to create a permissible place of use. Application proposes to combine water rights 34-708B, 34-709B, 34-2281A and 34-2361A with water right 34-14755 to irrigate 306.2 acres. IDWR will create a 306.2 acre-combined limit between these rights, but will not create a combined place of use. As noted above, water right 34-14755 is very poor. Combining this right with ground water rights 34-2281A and 34-2361A creates a risk of enlargement. Therefore, the water user must identify a specific 270 acres to be irrigated with rights 34-708B, 34-709B, 34-2281A and 34-2361A. The water user will identify a separate 66 acre place of use for water right 34-14755.

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.