

MEMORANDUM

Date: February 9, 2021
To: Transfer 84615
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to combine a 17-acre split portion of water right 29-13812 with water rights 29-348A, 29-348B, 29-2178, and 29-14003 to create a 156-acre place of use. Water right 29-348B is being moved from a place of use where it is stacked with Cherry Creek rights to the proposed place of use where it will be stacked with Cherry Creek rights. The water rights at the existing and proposed place of use for water right 29-348B have identical priority dates. The point of diversion for water right 29-348B will also change. The transfer also proposes to change the point of diversion (drill a new well) for ground water right 29-2325C and the split portion of 29-13812.

Authority to File:

The applicants, Michael and Shelley Vaughn, have the authority to file. They both signed the application. They were the owners of the water rights at the time of transfer approval, according to Department records. Various, one or both were owners of the pre-transfer and post-transfer places of use at the time of transfer approval, according to Bannock county taxlot data. They also own the post-transfer points of diversion.

Water Right Validity:

The water rights are valid for transfer. They were variously decreed in 2004, 2005, and 2012. Review of post-decree aerial photography demonstrates consistent irrigation, with the exception of the 17 acres split from right 29-13812, which were leased the Water Supply Bank at the time of transfer submittal. The Water Supply Bank was notified of the application for transfer and did not comment.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer's approval. The transfer was advertised and no protests were received. The Watermasters for Water Districts 29G (Cherry Creek) and 29H (Aspen Creek) were notified of the transfer and did not comment.

The post-transfer point of diversion on Cherry Creek shifts the rights to a diversion location agreed upon by all Cherry Creek users in a Diversion Agreement received by the Department on May 29, 2018. Right 29-348B was stacked with Cherry Creek rights 29-348G and 29-14002 at the time of transfer submittal. At the post-transfer place of use, Cherry Creek rights 29-348A and 29-14003 have the same priority dates as 29-348G and 29-14002, respectively.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Rate, volume, nor irrigated acres are authorized to increase. The genesis of 29-2325C's 24 acre limit within its 26 acre place of use at the time of transfer submittal is unclear. The partial decree for water right 29-2325C does not include any 24 acre limit. The acre limit was removed as part of this transfer's approval, restoring the right to its originally decreed 26 acres.

Associated rights 29-2366 and 29-10077, associated with the remainder of right 29-13812, could not be included in this transfer due to technical issues with the transfer program and were instead updated manually, concurrent with this transfer's approval. Their updated proof reports appear with the approval documents.

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.