

MEMORANDUM

Date: June 25, 2021
To: Transfer 84942
From: Michelle Watts
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to move rights 29-14162 and 29-14163 to a new place of use and point of diversion to avoid stacking them with a senior right from transfer 84941.

Authority to File:

The applicants on this transfer include the water right owners and proposed place of use property owners. Greg and Jamie Smedley acquired water rights 29-13245 and 29-260 through an ownership change with a split in 2015. Transfer 80347, approved in November of 2015, split the rights again into 29-14162 and 29-14163 and moved them to their current place of use. According to Bannock County parcel data, Jeff Smedley owns the property at the proposed place of use. The applicants are the proper owners of the right and have authority to file the transfer.

Water Right Validity:

Rights 29-14162 and 29-14163 were split from their parent rights in approved transfer 80347 in 2015. Review of vegetation indices from 2016 to 2020 indicate application of water in the current place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

This application proposes to change the point of diversion from the Portneuf River to Robbers Roost Creek. 29-14162 is a Robbers Roost Creek right, and therefore will not cause injury to other rights in the proposed POD. Right 29-14163, however, is a Portneuf River right and a condition will be added to subordinate this right to all other Robbers Roost Creek rights. The applicants were alerted to this condition and declined to abandon the right. The transfer was advertised, and no protests were received. The proposed changes have been reviewed by the watermaster of WD 29D, in which she does not oppose the approval of the application.

Enlargement of Use:

The proposed changes will not result in enlargement because water use will not increase as a result of the transfer.

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.