

MEMORANDUM

Date: June 30, 2021
To: Transfer 84990
From: Michelle Watts
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to define the points of diversion and place of use for rights 13-55 and 13-56 based on historical beneficial use.

Authority to File:

The Idaho Secretary of State's Office confirms that Orval Brent Abbott, who has signed as the authorized representative, is the agent for both Brent and Vickey Land LLC and Abbott Ranches LLC. Brent and Vickey Land LLC is the owner of the proposed place of use while Abbott Ranches LLC has owned the water rights since an approved ownership change in 2014. The applicant is the proper owner of the water rights and has authority to file the transfer.

Water Right Validity:

Rights 13-55 and 13-56 from Stockton Creek were clarified in an IDWR 2011 Memo analyzing the Brossard vs. Morgan Decree and additional documents recorded by Bannock County. These records were used to establish the basic elements of the water rights, specifically validating their wintertime irrigation period of use. 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:

Other water rights will not be impacted by the proposed transfer. The historic points of diversion and place of use are being clarified in the department's records. The transfer was advertised and no protests were received. The watermaster of WD 13M has been notified of the proposed changes and has not provided comment.

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.