

MEMORANDUM

Date: June 11, 2021

To: Transfer 84925

From: Michelle Watts

Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change ownership of right 13-7048 to the Green Acre Canal Company LLC and create a large place of use. The applicant previously investigated transferring the right to the West Cache Irrigation Co. for easier delivery to the proposed place of use, but this proposal was declined.

Authority to File:

The applicant is the Green Acre Canal Company LLC represented by John Jensen, the listed agent. Quitclaim deeds have been provided from all property owners associated with the current place of use of right 13-7048 conveying ownership to the Green Acre Canal Company. Chain of title has been provided linking all current property owners to Rolan Bastian, the listed owner of right 13-7048. The applicant has authority to file the transfer.

Water Right Validity:

Right 13-7048 was licensed to Rolan Bastian in 1985 with a priority date of 1973. Review of vegetation indices and WD 11 accounting reports lacked documentation of application of water for the past five consecutive years. Discussion of circumstances with the applicant made it apparent that defense to forfeiture would be required. The provided statement documents circumstances that apply to Section 42-223(6), Idaho Code. In summary, the explanation states that the newly formed canal company includes additional water users to help cover the costs of repairs due to difficult terrain and damage to infrastructure from a significant weather event. Therefore the transfer application is needed to change the water right to a large place of use including all parties funding the repairs.

Injury to Other Water Rights:

Other water rights will not be impacted by the proposed transfer. Upon approval of this application, the water right will be divided between the members of the Green Acre Canal Company as shares. The transfer was advertised, and no protests were received. The watermaster of WD 11 has been notified of the proposed changes and does not oppose the approval of the application.

Enlargement of Use:

The proposed changes will not result in enlargement because neither the rate, volume, nor irrigated acres will increase as a result of the transfer. The proposed place of use is within the boundaries of the Twin Lakes Canal Co., West Cache Irrigation Co., and Consolidated Irrigation Co. which are all surface water rights from the same general source.

Local Public Interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Effect on Economy of 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 this application.