

MEMORANDUM

Date: June 4, 2021

To: Transfer 84875

From: Aaron Olson

Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for right 27-54. The point of diversion for this right will be moved upstream to a point on Wolverine Ranch LLC's property where water will be piped to an existing ditch system.

Authority to File:

The applicants, Drew and Nollene Jensen are the current owners of record for water right 27-54. Bingham County parcel data list Drew and Nollene Jensen as the owners of the place of use. The proposed point of diversion is located in property owned by Wolverine Ranch LLC. The proposed pipeline will also cross property owned by Wolverine Ranch LLC. Jensen has verbal permission from Wolverine Ranch LLC and will seek a recorded easement from Wolverine Ranch LLC after transfer approval.

Water Right Validity:

The right included in this transfer was decreed in the SRBA in June 2011. An amended partial decree was issued in August 2013. The water right has not been diverted at the authorized point of diversion since 2013. Prior to the 2013 SRBA decree flash floods in the Cedar Creek drainage cut the creek channel to 20 feet below the ditch. Water cannot be diverted at the existing point of diversion without constructing a substantial dam and reservoir. Some water has been diverted from a small, unauthorized pump station on Cedar Creek near the place of use. Jensen raises the damage to the creek and diversion dam as circumstances beyond his control. Given the statutory defense raised by the applicant, the Department does not have clear and convincing evidence of forfeiture.

Injury to Other Water Rights:

Other water rights should not be impacted by the proposed change. The proposed point of diversion is located just upstream of the current point, and there are no other diversions between the two. The proposed transfer was advertised and no protests were received. The application was submitted for review to the watermaster of Water District 27, and he did not provide any comments. Injury does not appear to be an issue.

Enlargement of Use:

The proposed change will not result in an increase of diversion rate, diversion volume, or acres irrigated. Enlargement does not appear to be an issue.

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.