

MEMORANDUM

Date: May 11, 2021
To: Transfer 84865
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and change the place of use for a four acre portion of water rights 35-2541 and 35-7930 and for all of water right 35-14452. The applicants seek to combine these water rights into a 25 acre place of use. The 25 acres will be irrigated with wheel lines. An existing well associated with WMIS # 500097 will be utilized.

Water rights 35-2265 and 35-4214 shared the same combined place of use with water right 35-14452. Water rights 35-2265 and 35-4214 are added to this transfer as associated water rights. The combined place of use and combined acre limit conditions under the water rights will be reduced by 21 acres.

Authority to File:

The applicants are the current owners of the water rights per IDWR record. According to Bingham County taxlot data the four acres being changed under water rights 35-2541 and 35-7930 are appurtenant to land owned by K & S Properties LLC and Miles Henry Family Living Trust. In discussion with Joseph Phillips (applicant/right holder) the property fence line was recently moved inward to match their legal description boundary. These water rights were decreed to land (fence line) assumed to be owned by Phillips. Even though the applicants don't own the 4 acres of land (post fence move) associated with water rights 35-2541 and 35-7930, they still maintain ownership of the water rights as decreed in the SRBA. Currently water right 35-14452 is appurtenant to land now owned by Farms LLC (Brad Hall). In 2016 Joseph Phillips and Douglas Phillips (Joseph's Brother) filed transfer 80755 proposing to move a 21 acre portion of water right 35-7930 (owned by Joseph Phillips) to help cover land owned by Douglas Phillips that was being irrigated without a water right. Through the transfer it was understood that ownership for the 21 acres will remain in the name of Joseph Phillips. Douglas Phillips passed away and his land has since been sold to Farms LLC. The applicants provided a letter from Farms LLC acknowledging that Joseph Phillips is the owner of water right 35-14452 and consenting to the transfer. Farms LLC will be filling a transfer application to backfill the 21 acres being removed.

The applicants are the current owners at the proposed place of use. Parks Unlimited are the owners of the property at the proposed point of diversion. A consent letter from Alan Parks was included in application. Carson Phillips also holds ground water rights that are diverted out of the proposed point of diversion. A consent letter from Carson Phillips was also provided.

Validity:

Water right 35-2541 was decreed in 2002. Water rights 35-7930 and 35-14452 (split from 35-7930) were licensed in 2002. 2017-2019 aerial photography was reviewed. Irrigation of the 25 acres being changed is evident. Forfeiture is not an issue.

Injury to Other Water Rights:

Water rights are within the ESPA model boundary. According to ESPA analysis impacts to the individual ESPA river reaches are less than 2 af/trimester. No mitigation will be required. Water rights are regulated by Water District 120. Watermaster does not oppose the application. This transfer was advertised and there were no protests.

Enlargement of Use:

No enlargement issues. Land under the four acre portion of water rights 35-2541 and 35-7930 will be dried up. Land under water right 35-14452 will be backfilled with other water rights.

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.