

MEMORANDUM

Date: April 19, 2021

To: Transfer 84736

From: Michael Holliday

Re: Review & Evaluation of Sufficiency of Information

This transfer changes the point of diversion to a pump location on the applicants' property. Bailey Creek runs through the middle of their parcel.

Authority to File:

In 2019 the applicants filed an ownership change and provided deeds to demonstrate ownership of a 3.6-acre portion of license 11-2020, issued to Harvey Higley in 1910 for the irrigation of 150 acres. The split portion was numbered 11-7856. Three Bailey Creek rights were decreed to Higley in 1920 in the Dietrich Decree. The 3 decreed rights overlap almost all of the licensed acres, including the applicants' parcel. Ownership of applicants' portion of the 3 decreed rights will be updated in the transfer.

Water Right Validity:

As mentioned above, right 11-7856 is based on a license and the other rights included in this transfer were decreed in 1920. Licensed right 11-2020 was likely superseded by the 3 rights from the Dietrich Decree, which would make 11-7856 invalid. However, there is some level of uncertainty because IDWR does not currently have access to the supporting documents associated with the Dietrich Decree. The validity of 11-2020 and its splits will have to be sorted out in the BRBA. Aerial photos show growing vegetation on the parcel. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights should not be impacted by the change. The application was advertised and no protests were filed. The Water District 11A Watermaster does not oppose approval of the transfer.

Enlargement of Use:

The quantities authorized to be diverted under the rights will not increase and the total number of acres authorized to be irrigated will not change. Because the validity of 11-7856 is in question, the total diversion rate will be limited to the sum of the decreed 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.