

MEMORANDUM

Date: March 22, 2021
To: Transfer 84607
From: Aaron Olson
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the place of use, change the point of diversion, and add a point of diversion for 35.5 acres of water right 35-7322. To cover area under end-guns that previously did not have water rights, the applicant seeks to combine the 35.5 acres from water right 35-7322 with the combined 538 acres of water rights 35-13838 and 35-13840 to create a 573.5 acre place of use. The applicant will utilize the existing points of diversion described under water rights 35-13838 and 35-13840.

Authority to File:

IDWR records show the applicant as the current owner of the water rights. Bingham County parcel data shows Len-Michael Cattle, Inc. as the owner of the current place of use. For the proposed place of use and point of diversion, parcel data lists Lenard A Schritter and Nadine M Schritter as the owners. The applicant has provided a quitclaim deed granting ownership of the property at the place of use to The Schritter Lenard A. & Nadine M. Family Limited Partnership. Michael Schritter who signed the application is listed with the Idaho Secretary of State's Office as the agent for both of these entities.

Water Right Validity:

Water rights 35-7322 and 35-13840 were decreed in the SRBA on February 15, 2002. Water right 35-13838 was licensed on April 18, 1996. There is no evidence that the 35.5 acres to be moved have been irrigated in the last five years. The transfer, however, is intended to address unauthorized irrigation on the other side of a contiguous farm. Therefore, the acres have been irrigated by Schritter Farms, just inconsistent with the place of use description on the water rights. Review of aerial photography for water rights 35-13840 and 35-14838 shows no evidence available that would indicate five or more consecutive years of non-use.

Injury to Other Water Rights:

Other water rights should not be impacted by the proposed changes. The 35.5 acres at the current place of use will be dried up, and the quantity authorized to be diverted will not change as a result of the transfer. The current and proposed point of diversion are within the ESPA boundary, but an ESPA model analysis is not required because they are within adjacent ESPA model grid cells. The proposed transfer was advertised and no protests were received. The application was submitted for review to the watermaster of Water District 120 and he does not oppose this transfer. Injury does not appear to be an issue.

Enlargement of Use:

The proposed change will not result in enlargement because neither rate nor volume nor acres irrigated will increase as a result of the transfer.

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.