

MEMORANDUM

Date: March 1, 2021
To: Transfer 84626
From: Michelle Watts
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change one POD of the three associated with water right 75-10392. The proposed new POD is already in existence and has been used for an undetermined amount of time. The transfer application was originally submitted as a legal description correction. However, upon review of the 2009 decreed right, the POD exactly matched those listed on the Notice of Error form submitted by the previous owner on December 6, 2006. Therefore this application will require public notice.

Authority to File:

The Susan K. Kozacek Trust is the applicant and current owner of the water right and place of use. The proposed new POD is a pair of headgates used to direct water to an irrigation ditch located on parcel no. RP00132002004B currently owned by Michael and Janet Reese. The claim submitted for the right in 1990 describes this POD on property owned by Danny Lewman, the parcel owner at that time. The location of the proposed new POD was observed and documented by Cindy Yenter, IDWR Salmon Field Office, as part of a November 9, 2020 Memo evaluating spring fed channel systems in the area of the NF7 diversion of the North Fork Salmon River. Cindy stated the proposed new POD appeared to be in the historic location. According to statute 42-1102, the existence of a visible ditch, canal, or conduit shall constitute notice to owner, or any subsequent purchaser, of the underlying servient estate. Based on the evidence it seems clear that the proposed new POD is the correct historical location for the right and that the applicant has the authority to make the change.

Water Right Validity

Right 75-10392 was decreed in the SRBA in 2009. Review of aerial photography from 2010-2020 shows growing vegetation within the irrigation season on the current place of use. Forfeiture is not an issue.

Injury to Other Water Rights

Other rights will not be injured by the proposed change. A POD is being moved to the correct historical location. The transfer was advertised, and no protests were received.

Enlargement of Use:

The proposed change will not result in enlargement because water use will not increase as a result of the transfer.

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.