

MEMORANDUM

Date: March 3, 2021
To: Transfer 84612
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to rearrange the combined place of use for water rights 1-7006, 1-10011, 1-7087, 25-7106 and 25-10069. These rights, in combination are limited to the irrigation of 1,348 acres.

Authority to File:

The applicant is the current owner of record for the rights. The applicant owns the majority of the current place of use. Floyd Wilcox & Sons and Lee Sutton own small portions of the current and proposed place of use. Covington Brothers was the owner of record in the SRBA decrees and has owned the water rights since that time. The acres associated with the Wilcox and Sutton properties are not being changed or moved. The current place of use also covers a 40-acre area owned by Brigham Cook. Applicants propose to move the water rights off of the Cook property. I contacted Brigham Cook about the proposed change. He agreed that Covington Brothers owns the water rights and that the rights could be moved off of his property. Jay Covington, who signed the application, has authority to sign on behalf of Covington Brothers LLC.

Water Right Validity:

Water rights 1-7006, 25-10069, 25-7106 were decreed in the SRBA in 2005, right 1-10011 was decreed in the SRBA in 2007, and right 1-7087 was licensed in 2011. Review of 2011, 2015, 2019 aerial photography shows growing vegetation on the current place of use. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

Other rights do not appear to be injured by the proposed change. The place of use is simply being rearranged in close proximity to the current place of use. Neither the points of diversion nor the quantity authorized to be diverted will change as a result of the transfer. The water master was notified and did not provide a comment. Since it is clear that the proposed change will not adversely impact other water rights, this application will not require public notice.

Enlargement of Use:

The proposed change does not appear to result in enlargement because neither rate nor volume nor irrigated acreage will increase as a result of the transfer. The place of use for the transferred rights are simply being rearranged. The water rights are fully overlapped by storage water rights held by Palisades Water Users Association. Covington Brothers will continue to use the storage water to supplement the irrigation at the proposed place of use.

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.