

MEMORANDUM

Date: January 28, 2021
To: Transfer 84529
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the place of use and the point of diversion for water right 31-12079. The right will be combined with water rights 31-12033, 31-12035 and 31-12037 to irrigate a 43.2-acre pivot. The proposed place of use is owned by the applicant. This transfer is intended to complete a pivot that did not have sufficient water rights.

Authority to File:

The applicant has provided ownership documentation that shows full chain of title for the water rights involved in this transfer. The Fremont County taxlot data shows the applicant and signee as the owners of the proposed place of use. Based on Department records Stephanie Mickelsen has authority to sign on behalf of the applicant. All of the rights involved in this transfer, including the associated rights, are included on ownership changes filed by Mickelsen. The ownership change fees were paid with the ownership change notices. The ownership will be updated in this transfer approval.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 2002. Transfer No. 74452 was approved in 2008 for water rights 31-12033, 31-12037, 31-12035, which moved water rights around to create the current place of use. Review of 2009, 2013, 2017, 2019 aerial photography shows growing vegetation on the current place of use. Water right 31-12079 was last evaluated during Transfer 79530 in 2014. Since 2015, this right has been held unused to meet the reduction requirements under the SWC-IGWA Settlement Agreement Mitigation Plan. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

Other water rights do not appear to be injured by the proposed changes. The 7.4-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 ESPA Model was run, and did not show a need for mitigation. The proposed changes were advertised and no protests were received. The water master was contacted and did not oppose the approval of this transfer.

Enlargement of Use:

The proposed change will not result in enlargement because neither rate nor volume nor irrigated acreage 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.