

MEMORANDUM

Date: January 12, 2021
To: Transfer 84527
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the place of use of both the stockwater and irrigation components of right 29-11409.

Authority to File:

The applicants are the current water right owners of record, and Bannock County parcel data show them as owners of both the current and proposed places of use. The applicants' attorney, Randall Budge, is authorized to sign the application on their behalf.

Water Right Validity:

Right 29-11409 was decreed in the SRBA in 2004. Review of post-decree photography shows very little evidence of growing vegetation at the current irrigation place of use. However, water right 29-11409 bears a 1960 priority date and is the most junior right on the creek and is rarely available for delivery. Based on a conversation with the largest water user on the stream, there is not enough water in the creek to satisfy the most senior rights on the stream (which bear a common priority date of May 1, 1872). He said that the users on the creek are on a rotation schedule, and that there is usually only enough water to run 2 quarter-mile hand lines at a time. Therefore, forfeiture is not an issue because water right 29-11409 is rarely available.

Injury to Other Water Rights:

Other rights will not be injured by the change in place of use. Neither the point of diversion nor the quantity authorized to be diverted will change as a result of the transfer. The application was sent to the Watermaster of Water District 29H for comment. She wrote that a measuring device should be installed to help resolve disputes. However, after further discussion, she agreed that a measuring device would not be necessary because water right 29-11409 will generally be curtailed. Instead, the water user should install a lockable device on the diverting works. The transfer was advertised and no protests were received.

Enlargement of Use:

The proposed changes will not result in enlargement because the total acreage and diversion rate authorized under the right will not increase.

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.