

MEMORANDUM

Date: December 1, 2020
To: Transfer 84409
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion and place of use of a split portion of right 29-11420. Yago Creek will continue to be used for instream stockwater. However, a point of diversion will be added on the unnamed stream to reflect an existing pipeline which delivers stockwater to a trough on the applicants' property. The ownership of both the changed and unchanged portions of the right will also be updated in the transfer.

Authority to File:

The applicants provided deeds showing ownership of the water right portion included in the transfer. Part of the right is currently located in the SWSW of section 4 (land owned by Burmester). However, the applicants provided a deed showing that the water right was withheld from the sale to Burmester. Bannock County parcel data show the applicants as the owners of the proposed place of use. The applicants also provided a document from Tim and Marie Losee granting access to the proposed new point of diversion and the pipeline on their property.

Water Right Validity:

Right 29-11420 was decreed in the SRBA in 1998. Evidence of 5 consecutive years of non-use was not found. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights should not be impacted by the proposed change. Like instream stockwater notices, the transferred right will include a condition requiring an enclosed water delivery system at the new point of diversion with either an automatic shutoff valve or a means of returning unused water to the source. The transfer application was advertised and no protests were filed. The Water District 29H watermaster did not oppose approval of the transfer.

Enlargement of Use:

Prior to the split, water right 29-11420 was limited to 0.07 cfs and 13,000 gallons per day. The applicant provided an agreement with Losee specifying the split amounts for each party. The proposed changes will not result in enlargement because neither rate nor volume will 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.