

MEMORANDUM

Date: November 13, 2020
To: Transfer 83911
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to rearrange the place of use for water right 34-10905. Applicant demonstrated that the water right place of use was decreed in the wrong QQ. This application corrects the error in the place of use description.

Authority to File:

The applicant is the current water right owner of record. The Butte County tax lot data shows the applicant as the owner of the proposed place of use.

Water Right Validity:

The right included in this transfer was decreed in the SRBA in 2002. Review of aerial photos and satellite imager since 2002 shows little or no irrigate occurring at the proposed (corrected) place of use except in wet years (2009, 2015, 2016). Water right 34-10905 bears a priority date of June 1, 1899, which is very junior, and, according to delivery records from Water District 34, is not available in drought years (2007, 2012, 2013). Forfeiture is not an issue.

Injury to Other Water Rights:

Other rights will not be injured by the proposed change. The place of use is simply being rearranged due to a clerical error in the decree. Neither the point of diversion nor the quantity authorized to be diverted will change as a result of the transfer. The water master for water district 34 was notified of the transfer but did not provide comment.

The application originally proposed to change the point of diversion to a pump station on the Big Lost River. The Applicant would have to cross two neighboring properties to access the proposed pump station. The neighboring property owners protested the application, arguing that the Applicant did not have an easement to cross their respective properties. Applicant, Baird, met with the protestants, and ultimately decided to drop the proposed change to the point of diversion. The application was amended to remove the change in point of diversion. The protests were withdrawn based on the amended application.

Enlargement of Use:

The proposed change will not result in enlargement because neither the rate nor the volume nor irrigated acreage will increase as a result of the transfer. The place of use for the transferred right is simply being rearranged.

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.