

MEMORANDUM

Date: September 18, 2020
To: Transfer 84175
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to combine the places of use for water rights 13-603, 13-606, 13-608, 13-610 and 13-2072. The proposed combined place of use was 100 acres. Transfer 1102, approved in 1968, changed the point of diversion for all of these rights to Black Canyon Spring.

Authority to File: Ralph Hansen is the current owner of record for all of the water rights. Applicants, Wade and Kirsten Schvaneveldt, provided copies of deeds tracing ownership of the place of use from Ralph Hansen to Schvaneveldt. Schvaneveldt does not acquire all of the original Ralph Hansen property. A 2.7 parcel of the original Ralph Hansen property is owned by Tom Hansen.

The Department sent direct notice of the application to Tom Hansen and provided him an opportunity to file a protest. Mr. Hansen protested the application arguing that a portion of the rights should remain on his property. In August 2020, Schvaneveldt and Tom Hansen came to an agreement about the ownership of the rights. The parties agreed that one acre (0.02 cfs) of water right 13-603 should remain on the Tom Hansen property. The remaining rights (covering 99 acres) could be combined on the Schvaneveldt property.

Water Right Validity: Documents in the backfile for water right 13-2072 confirm that these five rights were originally used, in combination, to irrigate 100 acres. Aerial photos show consistent irrigation at the proposed place of use.

Injury to Other Water Rights: No issues identified. Point of diversion will not change. Water will still be diverted from Black Canyon Spring through a pipeline shared with other water users.

Enlargement of Use: The water right records created after Transfer 1102 were ambiguous. The records listed the original source and the new source, even though the transfer approval only described one authorized point of diversion. Water rights were updated to reflect the way the Department currently handles proposals to divert water from a different source. Diversion from the new source is limited to the water available at the original source.

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.