

## MEMORANDUM

**Date:** July 29, 2020  
**To:** Transfer 84258  
**From:** Jared Adamson  
**Re:** Review & Evaluation of Sufficiency of Information

This transfer proposes to combine a 172.5-acre portion of water right 27-7318 with all of water right 27-7303B to create a 215-acre combined place of use. A 2.5 acre portion of water right 27-7318 covers property not owned by the applicant. A 172.5 acre portion was split off to create water right 27-12318. Water rights 27-7303B and 27-12318 will have a combined place of use of 215.0 acres. The season of use for 172.5 acre portion of water right 27-7138 will be updated to reflect the standard 4/1 to 10/31 irrigation season. The season of use for 27-7318 was 03/15 to 11/15 before the transfer application was processed.

### Authority to File:

Charles and Carol Dansie are the current owners of the water right per IDWR record. They are also own the property at the proposed place of use and the point of diversion per Bingham County tax lot data (updated 9/9/1019). The portion of water right 27-7318 appurtenant to property that has been sold by Dansie is not included in the transfer application.

### Water Right Validity:

Water right 27-7303B was decreed on October 27, 2006. Water right 27-7318 was decreed August 13, 2007. Review of aerial photography available to the department showed historical irrigation of the lands associated with the water rights outlined in the transfer.

### Injury to Other Water Rights:

These water rights are within the ESPA and are regulated by WD 120. The change in place of use and the season of use (reduction) will not change the effect on the original or hydraulically connected water source or affect other water rights. The water master does not oppose this transfer.

### Enlargement of Use:

Documents in the backfile for water right 27-7318 confirm that there have been surface water shares associated with the irrigation occurring under water right 27-7318 since its development in the early 1980s. Applicants confirmed that the surface water shares (99 shares in Blackfoot Irrigation Co. and 32 shares in Eastern Idaho Water Co.) are still appurtenant to the property. Application proposes to unstack the surface water shares and continue irrigating the acres where ground water rights are removed. This would result in an enlargement of the ground water right and cannot be approved. Transfer approval includes conditions combining the shares with the ground water rights at the proposed place of use. If the surface water rights are removed from the property, or used to irrigate other acres, then the ground water rights cannot be diverted.

### Local Public interest:

No issues have been identified.

### Beneficial Use/Conservation of Water Resources:

No issues have been 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.