

MEMORANDUM

Date: September 11, 2020
To: Transfer 83216
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

This transfer rearranges the place of use of four overlapping rights and corrects the total number of acres in the land lists in order to come in line with the combined acre limits as decreed in the SRBA. It also changes the period of use and nature of use of a 67.9-acre portion of right 21-12906 in order to create a 15-acre pond for wildlife storage. The volume required for the new pond will be offset by a decrease in irrigated acres. Initially the transfer did not provide enough mitigation to cover the water use associated with the pond, but an amended transfer was filed to resolve the shortage.

The transfer also corrects two clerical errors from the SRBA. Rights 21-178 and 21-179 both share the same two points of diversion on Twin Creek. On right 21-178 the legal description of the Sec 36 point of diversion was decreed as NESESE, but should have been SENESE as decreed on 21-179. Aerial photos clearly confirm the error, and there is no physical change, so additional legal notice will not be required. The standard irrigation season in the area begins on 5/1 and this start date was correctly described on all the rights in the transfer except for 21-179, which was erroneously decreed a start date of 4/1.

Authority to File:

The applicant is the current water rights owner of record. Fremont County parcel data show the applicant as the owner of the place of use. The Nature Conservancy webpage confirmed that Lou Lunte was the deputy director at the time the amended transfer application was signed.

Water Right Validity:

The water rights included in this transfer were decreed in the SRBA in 2007. Post-decree photography shows regular irrigation of the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Neither the diversion rate nor the actual points of diversion will change. The application was advertised and two protests were received. However, the applicant and protestants resolved the matters of protest through a private agreement, which included amendments to the transfer application. The additional reduction in irrigated acres proposed in the amended transfer adequately mitigates for the water use associated with the pond. The watermaster of Water District 1 reviewed the application and did not oppose its approval.

Enlargement of Use:

The transfer will not result in enlargement because irrigation at the proposed place of use will be reduced by 67.9 acres in order to compensate for pond fill, evaporation, and seepage.

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.