

MEMORANDUM

Date: June 12, 2020
To: Transfer 84021
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to add a point of diversion to water rights 34-2289, 34-2490, 34-2497, 34-2505, 34-2506, 34-4008 and 34-10393. These rights represent two separate systems. Rights 34-2289, 34-2490 and 34-10393 deliver groundwater to an irrigation system in Section 14, T03N, R26E. Water rights 34-2497, 34-2505, 34-2506 and 34-4008 deliver ground water to an irrigation system in Section 11, T03N, R26E. The proposed point of diversion, located in Section 35, T04N, R26E, will divert water into the Munsey Canal through open discharge and deliver water through that common delivery system to both properties. Therefore, the proposed change can be pursued through a single transfer application.

Authority to File: Application was signed by Craig Parkinson, partner with Parkinson Farms. Parkinson Farms is the owner of record for all of the water rights and, according to Butte County taxlot records, is the current owner of the existing places of use for the rights. The proposed point of diversion will be constructed on property held by the BLM. Parkinson Farms has initiated the right of way application process with BLM, but cannot obtain final approval until the proposed transfer is approved. Water rights will be conditioned to not authorize access to federal property without approval from BLM.

Water Right Validity: Water rights are valid. Aerial photos show consistent irrigation of places of use. The surface water rights associated with the properties are very junior and are not available in most years. No clear and convincing evidence of forfeiture.

Injury to Other Water Rights: The existing places of use are also covered by ground water rights 34-7176 and 34-12368. These rights authorize the diversion of ground water from a well (exchange well) located eight miles north of the places of use. In 2011, Parkinson Farms proposed to add the exchange well to some of the water rights included in this transfer application. The 2011 application was ultimately rejected by the Department based on injury concerns. The Director determined that the 2011 proposal would deplete flow in the Big Lost River between Moore and Arco and would injure senior Big Lost River rights. The current application does not raise those same injury concerns. The proposed point of diversion is located two miles south (downstream) of the last major diversions on the Big Lost River (Arco/Munsey), which divert all flow in the river throughout most of the irrigation season. In other words, the proposed point of diversion is located miles downgradient from the Big Lost River, just like the existing wells under the subject water rights.

The existing point of diversion for water rights 34-2289, 34-2490 and 34-10393 is located in Section 14, T03N, R26E, on the southwest corner of the Big Lost River basin. The partial decrees for those three rights included a condition noting that the rights were not subject to administration against Big Lost River rights. The proposed point of diversion is farther north in the valley and is surrounded by wells that are clearly within the Big Lost River basin. The condition on the three rights have been adjusted to note that only the Section 14 well is not subject to administration by Big Lost River rights.

The Department published notice of the application and no protests were filed. The watermaster for WD34 was notified of the transfer and did not provide comment.

Enlargement of Use: No issues identified. The existing wells are monitored by the watermaster for Water District 34 and are equipped with flow meters. The water rights will include a condition requiring a flow meter on the new well prior to use.

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.