

MEMORANDUM

Date: May 14, 2020
To: Transfer 83556
From: Brian Normandeau
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to add point(s) of diversion and combine places of use for water rights 33-2041, 33-4000, 33-4001, 33-4002, 33-2069 and 33-10986. The result of this transfer will connect all of the water rights to the same place of use and nine shared points of diversion. The original application proposed a 629 acre permissible place of use, but was later amended to reflect a 554 acre place of use. The application was protested, but all protests were withdrawn subject to conditions included in a Stipulation for Withdrawal of Protests.

Authority to File:

The transfer applicant is W T Williams Inc. The application was signed by Wade T Williams, who is registered with the Secretary of the State as a Director of W T Williams Inc. WT Williams is the owner of record for the water rights. The proposed place of use is owned by W T Williams Inc and Wade Williams per Butte County parcel data.

Water Right Validity:

The rights involved in this transfer were decreed 8/11/2000. Based on aerial imagery, the irrigated acres no longer match the authorized place of use due to changes to the irrigation systems. However, it does appear the water rights have been used consistently to irrigate the total number of authorized acres since the water rights were decreed. No issues identified.

Injury to Other Water Rights:

All nine of the points of diversion proposed in this transfer are existing groundwater wells. One of the proposed points of diversion is an existing well that was not included on the SRBA decrees, but has been used at times to supply water to the WT Williams system. Applicant did not initially provide a mitigation analysis using the ESPA Transfer Tool. After the pre-hearing conference with the protestants, the applicant provided multiple model runs. Based on the modeling results, applicant agreed to limit the diversion rate from the points of diversion in the NENENE & NWNWNE, Sec. 25, T06N, R29E to avoid mitigation. According to the applicant, the eastern most wells (those in Section 25) do not provide much water and are not productive later in the irrigation season. The proposal to limit the diversion rate from the Section 25 wells address the injury concerns of the protestants.

Enlargement of Use:

The original application proposed to create a permissible place of use. Because the ground water rights are stacked with water from Blaine County Canal Company, there was a concern about enlargement. After the pre-hearing conference, the applicant amended the application to limit the place of use to the exact number of acres authorized by the rights. The rights will continue to carry a condition describing the alternate supply from Blaine County Canal for the irrigated acres.

Water rights were decreed with complex conditions intended to create a 0.02 cfs per acre diversion rate limit. The conditions were confusing because they could be misread to create an overall combined rate limit. Rather than carry forward the complex conditions, the approval will include the standard condition developed by the Department, limiting all rights to 0.02 cfs per acre and a annual diversion volume of 3.5 af per acre.

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.