

MEMORANDUM

Date: February 27, 2020
To: Transfer 83907
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for water rights 29-363B and 29-364B. The proposed point of diversion will be closer to the place of use on the applicants' property.

Authority to File:

Applicants are the current owners of record for water rights 29-363B and 29-364B. A warranty deed on file supports ownership in June of 2018. The applicants are the owners of the proposed place of use and the point of diversion according to Bannock County parcel data.

Water Right Validity:

The water rights in this transfer were decreed in the SRBA in 2004. Aerial photos from 2011 and 2018 clearly show growing vegetation, but aerial photography from 2013, 2015, and 2017 shows less acreage being watered. When junior right 28-364B is cut, it is unlikely that senior right 29-363B would be adequate to irrigate the entire place of use, especially in dry years. There does not appear to be enough evidence to demonstrate forfeiture in this case.

Injury to Other Water Rights:

The transfer application was advertised with no protests. The Water Master was notified of the application and did not oppose its approval.

Enlargement of Use:

The diversion rate and acres irrigated by these water rights will not increase. Enlargement does not appear to be an issue.

Local Public interest:

No issues identified

Beneficial Use/Conservation of Water Resources:

No issue identified.

Effect on Economy the Local Area:

No issue 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.