

MEMORANDUM

Date: February 3, 2020
To: Transfer 83873
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for Blackfoot River water right 27-37A, moving from the Central Ditch to the Riverton Ditch.

Authority to File:

The applicant, Brett McDaniel, has the authority to file. According to the Department's database, McDaniel is the owner of record for the water right. According to Bingham County taxlot data, McDaniel owns all but 1.8 acres of the authorized place of use. The 1.8-acre parcel is currently owned by Heath and Megan Kent and is located in Lot 2 (SWNE) of Section 13 T03S R34E. McDaniel sold the 1.8-acre parcel to Kent in 1995. A partial decree for water right 27-37A was issued in the name of McDaniel in 2011. Evidence available at this time suggests that McDaniel owns the entire right. The transfer application does not propose to change the place of use for the right (does not move water right 27-37A off of the Kent property).

LaVerelle Stecklein, President of the Riverton Ditch Company (post-transfer point of diversion), agreed to the transfer in a hand-written note included with the transfer. Similarly, Dave Cronquist, the Central Ditch Company (pre-transfer point of diversion) Director consented to the transfer in a hand-written letter.

Water Right Validity:

The water right is valid for transfer. A portion of the authorized place of use has not been consistently irrigated since 2011. Approximately four acres appear to have been unirrigated within the past years, according to satellite imagery. The applicant asserts that he has diverted all water available to him, but it has not been sufficient to cover the entire decreed place of use. Conveyance losses in the Central Ditch made it impossible to irrigate the entire place of use. McDaniel is at the end of the Central Ditch system. This transfer, moving from the Central Ditch to the Riverton Ditch, is meant to reduce losses, making it possible to irrigate the full place of use. The Department does not have clear and convincing evidence of forfeiture.

Injury to Other Water Rights:

No apparent injury issues. Central Ditch consented to the change, without requiring that a portion of the right be left in the Central Ditch for conveyance losses. The transfer was advertised and no protests were received.

The Watermaster of Water District 27 was notified of the application and did not protest it.

Enlargement of Use:

No issues identified. Rate, volume, nor irrigated acres are authorized to increase.

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.