

MEMORANDUM

Date: February 12, 2020
To: Transfer 83866
From: Jeff Nield
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use for water right 74-51 to reflect a change in ownership on a portion of the existing place of use.

Authority to File:

Department records show the applicant as one of the current owners of the water rights. His father, Richard E Foster, is listed as the other owner on the water right, but has passed away. The applicant has submitted a death certificate for Richard Foster in order to update Department records. The applicant has also submitted a copy of a warranty deed which reserves the water rights from the sale of the property on the parcel from which the applicant will be transferring the water rights from.

Water Right Validity:

The rights proposed to be transferred were decreed in the SRBA in 2008. According to aerial imagery, a portion of the place of use appears to have not been irrigated in the past 5 years, or may have had an indeterminable amount of irrigation. Between the water being delivered to other senior users on Big Timber Creek, losses in the conveyance ditch between his point of diversion and his place of use, and providing water to his pivots first, the applicant has indicated that there is not enough water to fully irrigate the amount of acres that his water right authorizes. The applicant has also indicated that his water is reduced in late June and fully shut off in early to mid July. An analysis of Water District 74W records and NDVI values on the subject land corroborates the applicants defense.

Injury to Other Water Rights:

Injury to other water rights does not appear to be an issue. This transfer proposes a simple place of use rearrangement. Neither the point of diversion, the quantity authorized to be diverted, nor the amount of acres authorized to be irrigated will change as a result of the transfer. Considering the transfer is not proposing a change in the point of diversion, and the proposed change will not adversely impact other water rights, the application will not require public notice. The watermaster for Water District 74W was notified of the transfer and did not provide comment.

Enlargement of Use:

The proposed change will not result in an increase in rate, volume, nor irrigated acreage. Enlargement does not appear to be an issue.

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.