

MEMORANDUM

Date: March 6, 2020
To: Transfer 83703
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use and nature of use of three Big Lost River rights. The nature of use will be changed from irrigation to ground water recharge in order to mitigate for Permit 34-7511, which will be approved at the same time as this transfer. Water for recharge will be delivered to a recharge site located about $\frac{3}{4}$ of a mile down the Arco Canal. The original transfer application proposed recharge at a different location from a different point of diversion. The applicant amended the transfer in order to avoid leaving conveyance losses in the Arco Canal.

Right 34-14297, which authorizes diversion from the Ferris Slough and overlaps the three Big Lost River rights, will be brought into the transfer as an associated right. This transfer also corrects the priority date for 34-13665. When Transfer 80415 was approved in 2016, a programming glitch in the transfer tool caused the priority date of the right to be advanced one day beyond the decreed priority date.

Authority to File:

The applicant is the current water right owner of record. Jim's former wife, who is deceased, is shown as a current owner of right 34-13665. Jim provided a copy of her certificate of death, and her name will be removed from the water right. The proposed recharge site is not owned by the applicant, but he provided a statement from the owner of the proposed place of use granting permission to conduct recharge on the property.

Water Right Validity:

The rights in the transfer were decreed in the SRBA in 2001. These rights were included in transfer 80415 which was approved in 2016. Forfeiture is not an issue.

Injury to Other Water Rights:

The rights included in this transfer will no longer be used for irrigation, but will instead be used to mitigate for irrigation from ground water under Permit 34-7511. The point of diversion will not change, only the points of injection and rediversion will be removed from the rights. It is unlikely injury will occur if the applicant abides by the conditions of approval as set forth on this transfer and Permit 34-7511. The application was advertised and no protests were received. The watermaster of Water District 34 received notice of the transfer but did not provide comment.

Enlargement of Use:

The three transferred rights and associated right 34-14297 have a combined rate limit of 3.14 cfs. According to the applicant, water right 34-14297 is rarely available because of a lack of water in Ferris Slough. Water right 34-14297 will continue to be associated with the current place of use, but will be reduced from 1.90 cfs to 1.44 cfs in order to prevent enlargement. Combined limits will be removed from all four rights in the transfer approval.

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.