

MEMORANDUM

Date: December 5, 2019
To: Transfer 83747
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to update ownership and to correct the decreed POD and POU legal descriptions for rights 29-10364 and 29-10365. In the SRBA the points of diversion were decreed in the wrong QQ, and the places of use should have included 2 QQs rather than just one. A field exam was conducted as part of this transfer's review in order to GPS the points of diversion and to confirm the location of each water use.

Authority to File:

The applicants provided a warranty deed which confirmed ownership of the water rights included in the transfer. Bannock County parcel data shows Robert Vaughan as owner of both the current and proposed places of use and points of diversion. The application was signed by an attorney authorized to sign on behalf of the applicants.

Water Right Validity:

Right 29-10364 was decreed in 1998 and right 29-10365 was decreed in 2004. There is no evidence available to IDWR that would indicate five or more consecutive years of non-use. Review of post-decree aerial imagery shows regular irrigation of the 2.8 acres included in 29-10365. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be impacted by the proposed changes. There will be no physical change to either the points of diversion or the places of use. Only the legal descriptions will change in order to correct errors in the partial decrees. Since it is clear that the proposed changes will not adversely impact other water rights, this application will not require public notice. The watermaster was notified of the proposed transfer, but he did not respond. It is assumed that he did not oppose its approval.

Enlargement of Use:

The proposed changes will not result in enlargement because water use will not increase as a result of the transfer. Since the domestic use under both rights is for the same home, combined limit conditions will be added to each right in order to prevent enlargement.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues 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.