

MEMORANDUM

Date: November 12, 2019
To: Transfer 83647
From: Jeff Nield
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the place of use and point of diversion for water right 15-2056. The NENE of Sec. 15 has not been under the ownership of the applicant since 2000. The transfer will remove the NENE from the place of use legal description, consolidate the rate on fewer acres, and move some acres around to reflect the current irrigation practices. As a part of this transfer, the applicant proposes to abandon water right 15-2003. This right is a junior right on the Little Malad River and there are no longer any ditches that deliver water from the river to the place of use.

Authority to File:

Department records show the applicant as the current owner of the water rights. Oneida County tax lot data shows the applicant as the owner of the proposed place of use and current place of use, excepting the NENE of Sec. 15, which was sold to Brett Cordingly and Caralea Stack in 2000. A direct notice letter regarding the transfer application was sent to Brett Cordingly and Caralea Stack. Neither of the individuals protested the transfer. Department records show that a water right was licensed, in the name of Brett Cordingly and Caralea Stack, for irrigation in the NENE of Sec. 15. This suggests that the current property owners did not believe there were any water rights on the property when they bought it from the applicants.

Water Right Validity:

The right proposed to be transferred was licensed in 1971. The number of irrigated acres found during review of 2015 and 2019 aerial imagery was approximately the same as the number of acres authorized to be irrigated by this right. There is no clear and convincing evidence of non-use. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

The place of use will be rearranged and the rate will be consolidated on fewer acres to reflect the current ownership and irrigation practices. The transfer application was advertised and no protests were received. Injury to other water rights does not appear to be an issue.

Enlargement of Use:

The proposed change will not result in an increase in any elements of the water right. Enlargement of the right 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.