

MEMORANDUM

Date: October 23, 2019
To: Transfer 83587
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to rearrange the place of use of ten water rights and to correct an error on the legal description of the Chilly Canal point of diversion. In the SRBA twelve water rights were decreed to the applicant on 786 acres. Since then, the applicant sold property associated with 195 of the decreed acres, and he designated specific water rights (34-363, 34-760, and a portion of 34-10165) to be included in those sales, rather than a proportionate share of all the rights. This transfer combines the remaining water rights on 591 acres.

Authority to File:

The applicant is the current owner of record of the ten rights included in the transfer. Custer County tax lot data show the applicant as the owner of the proposed place of use and most of the current place of use. Ownership changes have already been processed for the rights included in the sale of the 195 decreed acres described above.

Water Right Validity:

These rights were decreed in the SRBA in 2001. Review of post-decree photography shows growing vegetation on most of the decreed place of use, especially in the areas where the place of use has rights from two creeks in addition to the Big Lost River rights. Some acreage in the western portion of the current place of use looks pretty dry. However, that area is only covered by Big Lost River rights, several of which are junior in priority and not available for delivery most of the year. Therefore, forfeiture does not appear to be an issue.

Injury to Other Water Rights:

Other rights will not be injured by the proposed changes. Only the legal description of the Chilly Canal point of diversion will change, and the place of use is simply being rearranged on the applicant's property. Neither the points of diversion nor the quantity authorized to be diverted will change as a result of the transfer. The application was sent to the watermaster of Water District 34 for comment, but he did not respond. Therefore, it is presumed he does not oppose approval of the transfer. The application will not require legal notice since the proposed changes will have no hydrologic impact.

Enlargement of Use:

The proposed changes will not result in enlargement because the total acreage and diversion rate authorized for irrigation under the rights will not increase. Also, acre limits will be added to rights 34-766 and 34-10167 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.

Holliday, Michael

From: Holliday, Michael
Sent: Wednesday, September 11, 2019 3:07 PM
To: watermaster34@atcnet.net; waterdist34@atcnet.net
Subject: watermaster comment on Whitworth transfer application
Attachments: transfer 83587_20190911153120.pdf

Hi Lucas.

We are without an administrative assistant right now, and I forgot to send you a copy of this transfer for comment. A scanned copy of the app is attached. Please take a look at this application and let us know your thoughts as soon as you can. This is primarily a place of use rearrangement, but the transfer is also changing the legal description of the Chilly Canal heading (no physical change, just a legal description correction). Feel free to call if you have any questions or concerns. Thanks.

Michael Holliday
Water Rights Supervisor
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