

MEMORANDUM

Date: September 12, 2019
To: Transfer 82397
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to combine a 6-acre portion of right 35-2324A and a 7-acre portion of right 35-13800 with rights 35-13779, 35-13801 and 35-13823 to create a 63-acre irrigation place of use. The split portions of water rights 35-2324A and 35-13800 will be diverted from a different well on the Soderquist property, necessitating a change in point of diversion. This transfer addresses a pending notice of violation issued by the Department in 2017.

Applicants, Soderquist, enrolled most of the acres under water rights 35-2324A and 35-13800 in the CRP program in 2006. The CRP contract runs from 2006 to 2021. Certain acres under the rights were excluded from the CRP contract. This transfer proposes to move the acres excluded from the contract. I spoke with representatives from the USDA-NRCS and the Idaho Soil Conservation program to confirm that the acres to be transferred are not covered by the CRP or CREP contracts. The NRCS office provided maps delineating the acres covered by the CRP/CREP contracts. The acres proposed to be transferred are clearly excluded.

Authority to File:

Lyle and Krista Soderquist are the owners of record for all of the rights in the transfer application. The Soderquists own the existing and proposed places of use and points of diversion according to Bingham County taxlot records.

Water Right Validity:

Beginning in 2006, Soderquist began irrigating additional acres at the proposed place of use. Soderquist has irrigated at least 13 acres without authorization on the West side of his farm (the proposed place of use) since 2006. This transfer will address the unauthorized acres. There are no forfeiture issues because the acres being moved have been consistently irrigated, albeit at the wrong place of use and from the wrong well. The existing place of use and the proposed place of use are part of a large contiguous farm owned by Soderquist. According to Soderquist, he thought he could continue the acres not covered by CRP anywhere on his farm.

Injury to Other Water Rights: The transfer proposes to move 0.26 cfs (under rights 35-2324A and 35-13800) from one Soderquist Well to a different Soderquist well, located approximately 1 mile to the west. There are not apparent injury concerns. Application was advertised and protested by the Surface Water Coalition. The protest raised questions about forfeiture and injury to the Snake River. At the pre-hearing conference, after discussing the specifics of the application, the SWC agreed to withdraw its protest, but reserved the right to protest similar applications in the future, if needed.

Enlargement of Use: No issues identified. The acres transferred from right 35-2324A are taken from a pivot corner. Soderquist does not plan to irrigate the pivot corner when the pivot acres come out of CRP in 2021. The acres taken from 35-13800 are strange shapes. If Soderquist plans to irrigate the place of use under right 35-13800 again, he will install a wiper pivot and will rearrange the place of use for right 35-13800 to be limited to the acres remaining after the transfer approval. Watermaster was notified of the amended application and does not oppose 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.