

MEMORANDUM

Date: May 30, 2019
To: Transfer 83196
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion in order to avoid ongoing conflict with the current owner of the delivery system.

Authority to File:

IDWR records show the applicant as the current owner of the water rights, and Jefferson County taxlot data shows the applicant as the owner of the place of use. The proposed point of diversion is the head of the Rudy Canal. A pump will be placed just upstream of the Rudy Canal weir. The applicant has an easement agreement with the owner of the proposed pump location.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 2009. The 2017 aerial photo shows evidence of irrigation. Evidence of irrigation in earlier photos is less obvious. However, the applicant provided additional documentation describing irrigation in 2016 and 2017. She also documented the challenges she has faced in obtaining cooperation from the owner of the delivery system. Those challenges ultimately led to the filing of this transfer. Any lack of use has been due to circumstances beyond her control, which is a valid defense to forfeiture.

Injury to Other Water Rights:

Other water rights should not be impacted by the proposed change. There are no other diversions located between the current and proposed points of diversion, and there is no evidence that the proposed change will reduce the quantity of water available to other water rights. The transfer application was advertised and no protests were filed. The watermaster reviewed the transfer and did not oppose its approval.

Enlargement of Use:

The proposed change will not result in enlargement because neither rate nor irrigated acreage will increase as a result of the transfer.

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.