

MEMORANDUM

Date: May 17, 2019
To: Transfer 83212
From: James Cefalo
Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

MEMORANDUM

Date: May 2, 2019
To: Transfer 83212
From: Jeff Nield
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for water right 29-14135. The existing water right has three authorized points of diversion. Two of the points of diversion are upstream of the property. One is for the original ditch heading and one is for a pipeline intake structure. As this property was split off and sold, the place of use was cut off of the pipeline. The last point of diversion is on the creek, adjacent to the place of use.

Applicant proposes to drop the two upstream points of diversion from the water right. The point of diversion near the property will not change. It is a pump station located right on the creek. The current point of diversion is defined down to the 10 acre tract. Unfortunately, the 10 acre designation is incorrect. The point of diversion is actually located in the SENESE not the SWNESE.

Authority to File:

Department records show the applicants as the current owners of the water right. Bannock County taxlot data also shows the applicants as the current owner of the POU and the proposed POD.

Water Right Validity:

Water right 29-14135 was decreed in the SRBA in 2004. The place of use has been actively irrigated. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

The proposed point of diversion is downstream from all other water users on Robber's Roost Creek and the right will continue to be subject to the decreed rotation agreement for the creek. There are no apparent injury issues. Because the point of diversion is not changing, there will be no change to the hydrology of the creek. The application simply drops the 10-acre tract designation to more accurately describe the location of the point of diversion. The application does not require public notice. The watermaster is not opposed to the transfer..

Enlargement of Use:

Neither rate nor irrigated acreage will increase as a result of the transfer. Enlargement 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.