

MEMORANDUM

Date: April 5, 2019
To: Transfer 82318
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to add points of diversion so that the applicant's ground water rights can be diverted from any of nine existing wells and a new well yet to be drilled. The transfer also seeks to create a combined place of use for the ground water rights and a stacked Big Lost River right.

Authority to File:

The application was signed by an attorney authorized to sign on behalf of the applicants. IDWR records show the applicants as the current owners of the water rights. Butte County taxlot data shows the applicants as owners of the current and proposed places of use. The applicants provided a quitclaim deed for an easement to the proposed location of the new well.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 1997 and 1998. Post-decree aerial photos show regular irrigation of most of the place of use. Rights 34-2401A and 34-4015 were included in an approved temporary transfer in 2015. The other rights were included in an approved temporary transfer in 2014. Forfeiture is not an issue.

Injury to Other Water Rights:

The transfer as proposed had potential for injury, but other water rights should not be impacted by the transfer approval. The application was advertised and several protests were filed. The parties were able to reach a settlement, and they withdrew their protests contingent upon the inclusion of specific conditions in the transfer approval. Those conditions have been added to the water rights in order to prevent injury. Although there are several wells in the vicinity of the proposed new well, the applicants will be required to construct the well in a manner that will prevent impact to other water rights.

The current and proposed points of diversion are within the ESPA boundary. The applicants provided an ESPA model analysis which showed that mitigation is not required. However, the analysis did not show all the pumping scenarios contemplated by the application. Also, the settlement prevented diversion of additional rate from the Folkman and Island wells and limited the diversion rate of the new well (Hansen well) to 10 cfs. The model was run afresh for movement between the Folkman and Island wells, and for movement from the 6 wells in T3N R26E to the Hansen well. Those model runs showed that no mitigation is required. The model runs showing movement from the northern 3 wells to the southern 7 wells failed. Therefore, volume limits will be added to the northern well group and to the southern well group in order to prevent injury. The watermaster received notice of the transfer but did not provide comment. It is presumed that he did not oppose its approval.

Enlargement of Use:

The proposed change will not result in enlargement because neither rate nor volume nor irrigated acreage will increase as a result of the transfer. Combined limit conditions will be added to the transfer approval 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.