

MEMORANDUM

Date: March 8, 2019
To: Transfer 82966
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change and add points of diversion and to change the place of use of split portions from three ground water rights in order to accommodate a small pivot. The transfer also corrects the ownership of rights 31-12004 and 31-12006.

Authority to File:

A business entity search on the Idaho Secretary of State webpage showed that Lewis and Lavar Newman are authorized to sign on behalf of the two partnerships. IDWR records show one of the applicants as the current owner of right 31-2380. The applicants provided deeds correcting the ownership of the other two rights included in the transfer. Jefferson County taxlot data shows the applicants as owners of the current and proposed places of use. The applicants provided a document in which the L1, L2, and L3 partnerships granted legal access to each other's properties for use of their water rights. The applicants also provided a letter from the lienholder giving its assent to the transfer.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 2002. Aerial photos show regular irrigation of the place of use under rights 31-12004 and 31-12006. The acres associated with a pivot corner under right 31-2380 have been in the water supply bank, but were released from the bank at the end of 2018 in preparation for this transfer. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights should not be impacted by the proposed changes. 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. There is no evidence that the proposed changes 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 volume nor irrigated acreage will increase as a result of the transfer. 8.7 acres will be dried up at the current place of use 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.