

MEMORANDUM

Date: February 8, 2019
To: Transfer 82872
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to split off 15 acres from water right 35-13314, and move the split portion to Idaho Falls' Noise Park facility, changing the place of use and point of diversion for the split portion. The 15 acres will be used within a 379 acre permissible place of use.

Authority to File:

The current water right holder, Walker Land & Cattle, has agreed to sell the 15-acre portion of the water right to the applicant, the City of Idaho Falls. In the provided sales agreement, Walker Land & Cattle has authorized the City of Idaho Falls to make the proposed changes in this transfer as a condition to the sale. The applicant owns the property at the proposed point of diversion and place of use.

Water Right Validity:

The water right included in this transfer was decreed in the SRBA in 2002. Review of 2006, 2011 and 2015 aerial photography shows growing vegetation on the current place of use. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

Other water rights will not be injured by the proposed changes. The 15 acres split off of water right 35-13314 will be moved to a 379 acre permissible place of use; a map has been provided to depict where the 15 acres of water will be used within the land list. The quantity authorized to be diverted will not change as a result of the transfer. There is also a change to the point of diversion, which is within the ESPA boundary. This requires an ESPA mitigation model to be run, which determined that no additional mitigation is required for the proposed changes. The proposed changes were advertised, and no protests were received.

Enlargement of Use:

The proposed changes do not appear to result in enlargement because neither the total rate, volume or irrigated acres will increase as a result of the transfer. The transfer will authorize irrigation of 15 acres within a 379 acre permissible place of use. There are no overlapping irrigation water rights on the property.

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.