

MEMORANDUM

Date: October 9, 2018
To: Transfer 81731
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to rearrange the place of use for rights 29-8240 and 29-8241 to reflect changes to the irrigation system, and to remove a combined volume limit from the rights.

Authority to File:

The ownership of the transferred rights is being updated in the transfer. Application included a deed from various Jorgensen family members, including Keith and Terry Jorgensen, to Jorgensen Farms Ltd. Partnership. The Idaho Secretary of State webpage shows that Jorgensen Brothers Partnership was administratively dissolved in 2007. However, the property and water rights have not been conveyed to a new owner. Caribou County taxlot data shows that Jorgensen Farms Limited Partnership owns most of the proposed place of use, but the proposed acreage in the NW quarter of section 13 has historically been leased by the water right owners. The owner of the NW quarter of section 13, Jason Jorgensen, provided a letter consenting to the use of the water rights on his property.

Water Right Validity:

The rights included in this transfer were decreed in the Bancroft-Lund in 1992. Post-decree imagery shows regular irrigation of the place of use. Imagery in 2004 revealed a change to pivots in which some corners were dried up and other nearby acres were watered instead. Although the configuration changed, the full 355 acres allowed by these rights continued to be watered. Forfeiture is not an issue.

Injury to Other Water Rights:

Other rights will not be injured by the proposed change in place of use. The place of use is simply being rearranged to reflect changes in the irrigation system. Neither the point of diversion nor the quantity authorized to be diverted will change as a result of the transfer. Since it is clear that the proposed change will not adversely impact other water rights, this application will not require public notice.

Enlargement of Use:

During the review of this application, Jorgensen Brothers filed a petition to correct a calculation error from a previous transfer. The calculation error resulted in a significant reduction in the combined diversion volume for water rights 29-8240 and 29-8241. After a detailed review of the file, the Department determined that the previous transfer was based on a miscalculation and granted the Petition. The Department issued a Corrected Transfer 4842 on December 6, 2018 correcting the combined volume limit for the water rights. Although the place of use for the transferred rights is being rearranged, individual water right acre limits and combined limits will be carried forward in order to prevent enlargement.

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.

MEMORANDUM

Date: June 9, 2017
To: Transfer 81731
From: Michael Holliday
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.