

MEMORANDUM

Date: July 5, 2018
To: Transfer 82309
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use for rights 29-14164 thru 29-14167. These rights are split portions of SRBA decreed rights 29-477, 29-2565, 29-10857 and 29-13234. The decreed owner for these four rights was Dale Bolingbroke. The four rights shared a 409-acre combined place of use. Upon the death of Dale Bolingbroke, the 409-acre place of use was split up and there were questions about how the water rights should be divided between the property owners. On April 2, 2018, the Department received a copy of a Water Right Allocation Agreement, signed by all of the respective property owners, explaining how the rights should be split. According to the agreement, Robert & Rhonda Bodlak are the owner of water rights 29-14164 thru 29-14167.

In total, the decreed water rights authorized the irrigation of 409 acres. Therefore all of the split portions of the water rights cannot exceed 409 irrigated acres. This application proposes a 119-acre place of use. Transfer 82293, filed by William Bolingbroke proposes a 40-acre place of use. Transfers 82076, 82369 and 82437, filed by Kinport Management, in combination propose 250 irrigated acres. These five transfers propose 409 irrigated acres and dispose of all of the split portions of the original water rights.

Approval of Transfer 82309 will not result in a diversion rate in excess of the state standard (0.02 cfs/acre). Water rights 29-14164 thru 29-14167 authorize a diversion rate of 0.59 cfs and the irrigation of 119 acres. This is approximately 1/4 of the standard rate per acre.

Authority to File: Robert & Rhonda Bodlak are the owners of record for water right 29-14164 thru 29-14167. Ownership changes have already been filed and completed to reflect the ownership set forth in the 2018 Water Right Allocation Agreement. Bodlaks own the property at the proposed place of use according to Power County taxlot records.

Water Right Validity: Water right 29-14164 was decreed in 2006. Water rights 29-14166 and 29-14167 were decreed in 2004. These three rights are junior surface water rights and are rarely deliverable. Water right 29-14165 was decreed in 2014 and remains valid.

Injury to Other Water Rights: No injury issues identified. Point of diversion and conveyance systems will not change. Watermaster was notified of transfer application and did not provide comment.

Enlargement of Use: No issues identified. Transfers 82293, 82309, 82076, 82369 and 82437 propose 409 irrigated acres, which is consistent with the combined total from the SRBA decrees.

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.