

MEMORANDUM

Date: August 10, 2018

To: Transfer 82391

From: Michael Holliday

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the place of use for right 11-7482. Cattle currently drink from the Miller Ditch. Applicant wants to also run a pipeline from the ditch to 6 tire troughs located in six additional QQs north of the current place of use.

Authority to File:

The applicant is the current water right owner of record based on a 2015 ownership change. However, Bear Lake County taxlot data shows that some of the current place of use is owned by Keith Rigby and Hawks and Son. Therefore, they were provided direct notice of the transfer, but neither owner filed a protest. The NWSE Sec 31 T14S R46E is BLM land, but the applicant did not provide evidence in support of the use of stockwater on federal land. Therefore, that QQ was not included in the transfer approval. The application was signed by the trustee of the trust.

Water Right Validity:

The right included in this transfer is based on a statutory claim originally filed in 2002, and amended by the applicant on May 7, 2018. The amendment improved the priority date by ten years (the applicant owns decreed irrigation right 11-7687, which has the same priority date as the amended claim) and extended the season of use to include the irrigation season. In light of these changes, the amendment was advertised. No exceptions have been filed to the claim or to the amended claim to date.

The applicant provided an affidavit from Keith Rigby, who witnessed the watering of livestock from the Miller Ditch for at least 55 years, which is as far back as he can remember. The Water District 11 Watermaster thought the diversion of water from the Bear River for stockwater use after the irrigation season was common practice in this section of the river. The rate of diversion claimed is reasonable in light of the long conveyance and the size of the herd. The elements on the claim are reasonably well supported and the right has been used regularly. This claim appears to be a valid water right.

Injury to Other Water Rights:

Other rights will not be injured by the proposed change. The place of use is simply being changed to allow additional watering locations for the applicant's cattle. 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. The Water District 11 Watermaster reviewed the transfer and did not oppose its approval.

Enlargement of Use:

The proposed change will not result in enlargement because the quantity diverted under the right will not increase as a result of the transfer.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Effect on Economy 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.