

MEMORANDUM

Date: July 10, 2018
To: Transfer 82370
From: Jeff Nield
Re: Review & Evaluation of Sufficiency of Information

Water right 13-7192 was licensed in 2014. The licensed place of use included acres in Utah. Dennie Barson was the owner of record at the time of licensing. Barson sold some of the acres located in Utah and now proposes to consolidate the water right onto the acres he still owns in Idaho and Utah. Barson also proposes to update the ownership of water right 13-7192 to reflect the creation of a family trust.

Authority to File:

Department records show the applicant, Dennie Barson, as the current owner of the water rights. Franklin County, ID and Cache County, UT parcel viewer data shows the applicant as the owner of the proposed place of use. Richard J. Barson owns the acres in Utah that were sold by Dennie Barson. Richard Barson signed a Quit Claim Deed for all water rights associated with his property to be transferred to the ownership of Dennie J. Barson. Dennie J. Barson signed Quit Claim Deeds for water right 13-7192 to the Dennie J. Barson and Kathleen W. Barson Family Trust.

Water Right Validity:

Water right 13-7192 was licensed in 2014. Forfeiture is not an issue. 60 acres of the water right was leased to the Water Supply Bank in 2018. Approval of this transfer will not affect that WSB lease.

Injury to Other Water Rights:

Other rights will not be injured by the proposed change. The place of use is simply being consolidated on fewer acres. The original license authorized the diversion of 2.00 cfs and the irrigation of 219 acres (0.009 cfs/acre). Applicant proposes a diversion rate of 2.00 cfs and the irrigation of 183.5 acres (0.011 cfs/acre). 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:

The proposed change will not result in enlargement in use because neither rate, nor volume, nor irrigated acres will increase as a result of the transfer. Place of use will still include 34.5 acres in Utah.

Proposed place of use is also irrigated with an unrecorded water right from Costley Creek. Barson included a decree from 1924 referring to the Costley Creek right, but not establishing any elements outside of priority date. Therefore, the Department has never assigned a number to the water right. Although the rights overlap to some degree, it is not possible to calculate the extent of overlap at this time.

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.