

MEMORANDUM

Date: June 12, 2018
To: Transfer 82297
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to split off a 3.2-acre portion of rights 35-14174, 35-14176 and 35-14178, and change the point of diversion for the split portions. Ownership will also be updated as part of the transfer.

Water rights all include a condition stating that the ground water rights are combined with shares in Butte Market Lake and Palisades Water Users. The ground irrigated with the surface water shares is located on the southwest side of the Butte Market Lake Canal. It does not include the 3.2-acre split portion. The conditions will be removed from the split water rights.

Authority to File:

The applicants are the current property owners of the 3.2-acre split portion, and they have submitted deeds with the transfer application as evidence of ownership. Jefferson County taxlot data confirms that the 3.2 acres is owned by the applicants.

Water Right Validity:

The water rights were all decreed in the SRBA in 2002. Review of 2017, 2011 and 2006 aerial photography shows growing vegetation on the current place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be injured by the proposed change. The applicants are proposing a point of diversion change for the 3.2 acre portion, which sits on their property. The authorized quantity to be diverted will not be changed. The point of diversion change is within the same ESPA model cell, so no model simulation for mitigation is required.

The changes were advertised, and a protest was received from the BLM. The BLM wants conditions on the water right stating that the point of diversion does not reside on federal land, as well as a condition stating the place of use does not include federal lands. I have talked to the applicant, and confirmed with him that no part of the current place of use or point of diversion sits on federal land. From the maps provided and Jefferson County tax lot map, I would agree with the applicant that no part of the 3.2-acre split is on or a part of any federal lands. Two conditions have been added to the new split rights stating such.

Enlargement of Use:

The proposed change will not result in enlargement because neither the rate, volume nor irrigated acres will increase as a result of this transfer. The rights involved will be split proportionately to the deeds provided with the application.

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.