

MEMORANDUM

Date: June 8, 2018
To: Transfer 82328
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to split 2 acres from the irrigation portion of water right 29-7248, changing the place of use and point of diversion.

Application proposes to move split water right into the Bannock Creek drainage. The Shoshone Bannock Tribes own ground water right 29-12052 in the Bannock Creek drainage. Water right 29-12052 is senior to all other ground water rights in the basin, but includes a condition subordinating the right to SRBA decreed rights existing in the basin prior to January 1, 1990. The rights entitled to protection under paragraph x.c of water right 29-12052 include a condition stating so. The 2-acre split portion of water right 29-7248 will not be entitled to those protections because it did not exist in the Bannock Creek drainage prior to January 1, 1990. Therefore, it will not include the protection condition.

Authority to File:

The applicants, Jake & Brianna Evans, are the property owners of the proposed place of use and point of diversion. Supporting documents submitted with the application show the current water right owners, James & Christine Evans, have gifted a 2-acre portion of water right 29-7248 to the applicants. Advantage Plus Credit Union is the lien holder of the property at the current place of use, and included a document stating that they acknowledge and accept the transfer of .04 cfs and 7 AF from the current water right owners to the applicants. The applicants have the authority to make the changes. Ownership will be updated after the transfer is approved.

Water Right Validity:

The right included in the transfer was decreed in the SRBA in 2004. Review of 2009, 2011 and 2015 aerial photography indicate 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. Water right 29-7248 is currently within the ESPA, but the proposed place of use and point of diversion for the 2-acre split portion is located outside of the boundary. ESPA model run was performed using the closest active model cell at the location where Bannock Creek enters the model domain. As expected no impact exceeded the 2 af per trimester mitigation threshold. The transfer was advertised, and no protests were received. The proposed changes have been reviewed by the watermaster of WD 290, in which he does not oppose the approval of the application.

Enlargement of Use:

The proposed changes will not result in enlargement because neither the rate, volume nor irrigated acres will increase as a result of the transfer. No other water rights exist at the proposed place of use.

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.