

MEMORANDUM

Date: May 8, 2018
To: Transfer 82274
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This creates a permissible place of use for rights 27-2129A and 29-2129B, and changes 29-2129B's point of diversion. It also updates the ownership of 29-2129B.

Authority to File:

The applicant, Layne Hamilton, has the authority to file. At the time of transfer submittal, Layne Hamilton was the owner of right 29-2129A. According to Bingham County taxlot data, the BLM owns some of the post-transfer permissible place of use. This is an area of the Blackfoot River where there are ownership anomalies as a result of moving the original river channel. According to a 5/11/2018 phone conversation with Layne Hamilton, he has always owned and farmed the land in dispute. According to Bingham County taxlot data, Layne Hamilton owns all of the surrounding property.

At the time of transfer submittal, right 29-2129B was owned by Wesley Hamilton. According to Bingham County taxlot data, Wesley owns the property at 29-2129B's pre-transfer place of use. Wesley Hamilton signed the transfer application, which specifically states the ownership of 29-2129B will change. The ownership records for water right 29-2129B were updated as part of this Transfer's approval.

Water Right Validity:

The water rights are valid. Right 27-2129A was decreed in 2007, and 27-2129B was decreed in 2011. Review of post-decree aerial photography indicates consistent irrigation.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The transfer was advertised and no protests were received. The Watermaster for Water District 120 was notified of the transfer and did not comment.

At the pre-transfer place of use, right 27-2129B was stacked with Blackfoot River rights 27-37M and 27-10539. At the post-Transfer place of use, the right will be stacked with Smith Maxwell Ditch Company water rights (1-10058 and 27-12108). The Snake River right, 1-10058, is often curtailed during drought years. However, the Blackfoot River water right, 27-12108, is rarely curtailed because of the subordination of the Tribes Blackfoot River water right. In the last ten years, water right 27-12108 has been available for the entire irrigation season. Therefore, the demand for ground water right 27-2129B will no increase. A condition was placed on right 29-2129B that makes clear that the right's water is stacked with surface water at the post-transfer place of use.

An ESPAM 2.1 analysis was performed, modeling the effects of right 27-2129B's point of diversion change. The analysis indicated that the impacts to the modeled reaches of the Snake River will be less than two AF/trimester. That level of impact is considered insignificant by the department.

Enlargement of Use:

No enlargement of use will result from this transfer's approval.

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.