

MEMORANDUM

Date: April 20, 2018
To: Transfer 82301
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

This application proposes to change the place of use for water right 11-216. The applicants also included an ownership change to reflect the current ownership. The water right was decreed in the 1923 Thornock v. Bloomington Irrigation Co. Decree, where the legal description was based on metes and bounds and appears to be based on magnetic north rather than true north. Application proposes to correct the place of use for the right to coincide with the current PLSS descriptions. Also, according to the quad map of the area, no "Center Creek" exists as a water source, but is instead a center portion of Bloomington Creek as it splits into a braided system. Therefore, Bloomington Creek should be the only source identified on the water right.

Authority to File:

Deeds provided show the applicants are the new property owners of the POU, and an ownership change application for water right 11-216 was included in the filing of the transfer application. The applicants have the authority to make the proposed changes.

Water Right Validity:

The right included with this transfer was decreed in the Thornock v. Bloomington Irrigation Co. Decree in 1923. Review of 2013, 2009 and 2004 aerial photography shows growing vegetation on the current place of use. There is no indication that forfeiture is an issue.

Injury to Other Water Rights:

Other water rights will not be injured by the proposed change. The place of use is simply being updated to show the correct POU. Neither the points of diversion nor the quantity authorized to be diverted will change as a result of this transfer. Since it is clear that the proposed change will not adversely impact other water rights, this application will not require public notice. There is not an active water district for Bloomington Creek.

Enlargement of Use:

The proposed change will not result in enlargement because neither the rate, volume or irrigated acreage will increase as a result of this transfer. The place of use is simply being updated to more accurately portray the current water 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.

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Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.