

MEMORANDUM

Date: November 2, 2017
To: Transfer 81918
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for a 40-acre portion of water rights 27-7478 and 27-7084.

Authority to File:

The applicant, Idaho Division of Veterans Services, has the authority to file and update ownership for the split portions of the water rights. At the time of transfer submission, the water rights were owned by the Idaho Department of Health and Welfare. The application included a Quitclaim Deed from the Idaho Department of Health and Welfare to the Idaho Division of Veterans Services. The deed conveyed a 40-acre property to DVS. The application proposed to split 40 acres of each water right. During an examination of the places of use for water rights 27-7084 and 27-7478, I discovered that only 38 irrigated acres were appurtenant to the 40-acre parcel conveyed to DVS. The two acres not covered by water rights were one acre each in the SW corner of the SESE and the SE corner of the SWSE, both in Section 2, Township 3 South, Range 35 East. A letter was sent to the applicant and the applicant's representative on October 2, 2017, requesting additional information demonstrating DVS's ownership of 40 acres of the water rights. On October 23, 2017, the applicant's representative responded via email on that no additional information would be offered. Therefore, the water right splits and transfer approval should be limited to 38 acres. The application was signed by David E. Brasnell. According to the Idaho Division of Veterans Services' website, David Brasnell is the Division Administrator.

Water Right Validity:

The water rights are valid. Right 27-7478 was licensed in 1997. Right 27-7084 was decreed in 2007. Review of post-license and post-decree aerial photography demonstrates consistent irrigation.

Injury to Other Water Rights:

No injury will result from this transfer's approval. The transfer was advertised and no protests were received.

The Watermaster for Water District 120 was notified of the transfer and did not comment.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Water right 27-7478 includes conditions requiring the water user to use his full surface water supply prior to diverting ground water. The applicant proposed removing the supplemental conditions on the split portion of right 27-7478. I sent a letter to the applicant on October 2, 2017, asking for additional evidence about the existence of canal company shares on the property at the time water right 27-7478 was licensed. In an email dated October 23, 2017, the applicant's representative stated that no information could be provided. As such, in an effort to avoid the enlargement of use, supplemental conditions remain on the split portion of the license.

Right 27-7084 was decreed with a condition that limited its volume when combined with all other rights to 3.5 AFA. However, right 27-7478 included a combined volume limit condition that allowed the two rights together to provide 4.0 AFA on all of the land covered by 27-7084. A review of the backfill of 27-7084 found no comment as to why the right was licensed with a volume of 3.5 AFA in an area with a field headgate requirement of 4.0 AFA. Because 27-7478's combined limit allows for 4.0 AFA to be used on all of the acres covered by 27-7084, the standard irrigation condition on the split portion of 27-7094 was updated to reflect the local standard of 4.0 AFA.

Rate, volume, nor irrigated acres are authorized to increase as a result of 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.