

MEMORANDUM

Date: June 29, 2017
To: Transfer 81491
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

The purpose of the transfer is to split and move a 1-acre portion of water rights 35-2867 and 35-8156 to cover a pasture irrigated from a domestic well. The split portion of the water rights will change ownership to the Alan Hennebold Revocable Trust. The remaining portion of the water rights will also change ownership from Hans Hennebold to MB Holdings, LLC based on an ownership change filed by MB Holdings, LLC shortly after this transfer was submitted.

Authority to File:

The applicant, Alan Hennebold, is the trustee of the Alan Hennebold Revocable Trust, which is now the owner of the proposed place of use for the split portion of the water rights. The current owner of the water rights, Hans Hennebold, is deceased and initially deeded his property to Thelma Hennebold, his spouse. She then deeded the property to the Thelma Hennebold Revocable Trust, which sold the current place of use to MB Holdings, LLC. As well, the Thelma Hennebold Revocable Trust deeded the 1-acre property to the Alan Hennebold Revocable Trust.

Water Right Validity:

Water right 35-2867 was decreed in the SRBA in 2002, and water right 35-8156 was licensed in 1994. Review of 2006, 2011, and 2015 aerial photography shows evidence of 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 changes. The proposed place of use for the split acreage is within the same QQ and the proposed point of diversion is in an adjacent QQ, both within close proximity to the current place of use and point of diversion.

Enlargement of Use:

The proposed changes will not result in enlargement because neither the rate, volume or irrigated acres will increase as a result of the transfer. The current place of use and point of diversion are not changing except for a 1-acre portion being split and moved to cover a pasture in the same QQ.

The existing place of use for the water rights are covered by ASCC shares and have been irrigated exclusively with canal water. Alan Hennebold Jr. told me that the proposed place of use for the 1-acre split portion will be covered by 5 canal shares from Aberdeen Springfield Canal Company. This is supported by a 2017 Quit Claim Deed from Thelma Hennebold to the Alan Hennebold Revocable Trust, which was included with the application. One water right (35-2867) acknowledges the appurtenant canal shares, but does not require diversion of surface water first. The other water right (35-8156) is fully supplemental and can only be diverted if the surface water supply is exhausted. Based on the proportionate rates, the split portion of water right 35-2867 should be sufficient to irrigate the 1-acre pasture. Water right 35-8156 will not need to be diverted. Therefore, there are no apparent enlargement issues.

Local Public interest / 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.