

MEMORANDUM

Date: May 1, 2017
To: Transfer 81593
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use for water right 35-7173. The applicant recently converted his irrigation system from center pivots to wheel lines which resulted in the irrigation of additional land without a water right. In September 2016, the Department sent the applicant an unauthorized water use letter (E2016-990) identifying approximately 40.0 acres of property in Section 31, T07S, R29E being irrigated without a water right. The applicant filed this transfer seeking to rearrange the place of use to accommodate the installation of wheel lines. The applicants seek to create a 476.4 acre permissible place of use. Water right 35-7173 will be limited to the irrigation of a specific 446.4 acres within the 476.4 acre permissible place of use.

Authority to File:

The applicant is the current owner of water right per IDWR record and owner of the proposed place of use per Power County taxlot data (updated 3/3/2017). Hinckley Brothers, LLC holds a mortgage on the property at the proposed place of use. Hinckley Brothers, LLC provided a letter consenting to the application.

Water Right Validity:

Water rights 35-7173 was decreed in 2002. Aerial photography shows land consistently irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 120. This transfer seeks to change the place of use. Point of diversion will not change. This transfer will be processed with no advertisement. The water master does not oppose the application.

Enlargement of Use:

This transfer seeks to create a 476.4 acre permissible place of use. Water right 35-7173 will be limited to 446.4 acres within the permissible place of use. The applicant provided a map outlining the 446.4 acres that will be irrigated in 2017. The applicant asserts that the irrigation of the additional 40 acres described under enforcement number E2016-990 will not occur until a water right can be identified and established.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issue identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

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.