

MEMORANDUM

Date: January 27, 2017
To: Transfer 80795
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

This transfer was filed in response to a letter from IDWR regarding an unauthorized water use. The applicants were irrigating more acreage than allowed by right 35-7476B, and some of the irrigation was taking place on State land. The applicants seek to rearrange the place of use of right 35-7476B and to change the point of diversion and place of use of an 8.9 acre portion of rights 35-13924 and 35-13926 in order to resolve the unauthorized water use.

Authority to File:

Department records show the applicants as the current owners of right 35-7476B and co-owners of rights 35-13924 and 35-13926. The applicants recently provided a quitclaim deed confirming their sole ownership of those rights. Bingham County tax lot data show the applicants as the owners of most of the proposed place of use, but some land is owned by the State. The applicants have an IDL lease which allows for irrigation of the State land included in the proposed place of use. The 8.9 acre split portion of rights 35-13924 and 35-13926 is located on a contiguous farm and is subject to a mortgage. Northwest Farm Credit Services provided a letter on official letterhead giving assent to the transfer.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 2002. For right 35-7476B, aerial imagery confirms regular irrigation of the place of use. Review of post-decree photography for rights 35-13924 and 35-13926 shows consistent irrigation of most of the current place of use. The 8.9 acres being transferred from those rights appear to have been irrigated more sporadically, but 2015 photography shows clear evidence of growing vegetation. Therefore, forfeiture is not an issue.

Injury to Other Water Rights:

An ESPA model run is not required because the proposed well and the current well for the split portions of rights 35-13924 and 35-13926 are located within adjacent model cells. Other rights will not be injured by the proposed change because the quantity authorized to be diverted will not change as a result of the transfer. The application was advertised and no protests were filed. The Water District 120 Watermaster will review the application prior to approval.

Enlargement of Use:

Small changes are proposed to the place of use, but the total acreage authorized to be irrigated will not change. The proposed changes will not result in enlargement because the total acreage, diversion rate, and volume authorized for irrigation under these rights will not increase.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues 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.