

MEMORANDUM

Date: August 26, 2016
To: Transfer 80731
From: Kerrie Mathews
Re: Transfer Evaluation

Transfer No. 80731, as originally filed, proposed adding a point of diversion to water right 29-180. The existing point of diversion was the Topaz headgate on Dempsey Creek. The proposed point of diversion was a pump station to be built on the Portneuf River, downstream of the confluence of Dempsey Creek and the Portneuf River.

The application was advertised and was protested by Lava Irrigation Co. and McCammon Ditch Co. As part of the negotiations to resolve the protests, Topaz Irrigation agreed to continue to divert all of water right 29-180 through its Dempsey Creek headgate. Water would then be injected into Dempsey Creek at a downstream location and rediverted from the Portneuf River pump station.

Topaz Irrigation amended its transfer application in its pre-hearing disclosures to include the point of injection and designate the Portneuf River pump station as a point of re-diversion. Topaz Irrigation agreed to install measuring devices at all of three of these locations.

Authority to file:

Water right 29-180 is owned by Topaz Irrigation Co, the place of use is within the area served by Topaz Irrigation. The application and one amendment were signed by Stony Yakovac a representative of Topaz Irrigation, who has signature authority for the company. the pre-hearing amendment in the form of a letter was signed by Brett Casperson who also has signature authority for Topaz Irrigation.

Validity of the Water Right:

Water right 29-180 was decreed on January 5, 2005. Aerial photography shows consistent irrigation and forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. The application was advertised, and two protests were received. The water master for WD29, Steve Hebdon, was notified of the transfer and provided comments on the transfer application. He also participated in pre-hearing conferences. The protests were resolved on August 23, 2016. The water right was conditioned to meet the requirements stated on the withdrawal forms.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.