

MEMORANDUM

Date: October 7, 2016
To: Transfer 81170
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion for water right 35-14417. The new point of diversion is within the same QQ listed on the water right. The original ground water well will continue to provide water for two active water rights, 35-8195A and 35-13894, located to the north. The proposed point of diversion will be the only source used to irrigates the 10 acre described in water right 35-14417.

Authority to File:

The applicants are the current owners of water right 35-14417 according to IDWR records. Bingham County taxlot data shows the applicants as the property owners where both the place of use and point of diversion are located. The applicants have the authority to make the proposed changes.

Water Right Validity:

Water Right 35-14417 was decreed in the SRBA in 2002. 2009 aerial photo shows full irrigation with wheel lines. 2010 satellite imagery is inconclusive. 2011 aerial photo shows irrigation of more than half of the place of use. The applicants did not have access to the existing ground water well from 2008 to 2016. The irrigation occurring in 2009 and 2011 was in trespass. At this point there is not clear and convincing evidence of forfeiture.

Injury to Other Water Rights:

The proposed change is within the ESPA and in WD 120. No transfer tool analysis is required because the existing and proposed points of diversion are within the same model cell. The transfer was advertised and no protests were filed. No injury issues identified.

Enlargement of Use:

The proposed change will not result in enlargement because neither the rate, volume or irrigated acreage will increase as a result.

Local Public interest:

No issues identified.

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.