

MEMORANDUM

Date: January 14, 2016
To: Transfer 80415
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to move right 34-13665 to another farm in order to provide a more reliable water supply. Companion transfer 80417 will move a 37 acre portion of right 34-14301 to the current point of diversion and place of use of right 34-13665.

Associated rights 34-14297, 34-14299, and 34-14301 were brought into this transfer in order to update the combined limits with 34-13665 as appropriate. However, right 34-14297 (a Ferris Slough right) erroneously included the following condition: "Point of injection into and point of rediversion from the Ferris Slough." The condition appeared on the partial decree, but likely was copied by mistake from the conditions on Big Lost River rights 34-14299 and 34-14301. While it was appropriate to include the condition on the Big Lost River rights, it makes no sense to include the condition on the Ferris Slough right. Therefore, the condition was removed from right 34-14297.

Authority to File:

IDWR records show the applicant as the current owner of the right being transferred. Butte County taxlot data confirms ownership of the current place of use, and the applicant owns existing water rights on the proposed place of use.

Water Right Validity:

Right 34-13665 was decreed in the SRBA in 1998. Review of available post-decree imagery shows regular irrigation of the majority of the place of use, but the irrigation of 4 acres in the SENE could not be confirmed. The other surface rights on the current place of use have a relatively poor priority date, and it would be difficult to irrigate the entire 37 acres with 34-13665 alone, especially after taking conveyance losses and several years of poor water supplies into account. The applicant indicated that the water right rarely reaches his property, even though the right has regularly been delivered to the Moore Canal. Therefore, the right included in this transfer appears to be valid in its entirety.

Injury to Other Water Rights:

Other rights will not be injured by the proposed changes. The watermaster reviewed the application and did not oppose its approval. Although the proposed new point of diversion is located downstream from the current point of diversion on a losing river reach, past discussion with the watermaster revealed that conveyance losses are uniformly charged to all diversions between Mackay Dam and Arco, regardless of their location on the river. The quantity authorized to be diverted will not change as a result of the transfer. The transfer application was advertised and no protests were filed.

Enlargement of Use:

The proposed change will not result in enlargement because neither rate nor irrigated acreage will increase as a result of the transfer. Right 34-13665 currently overlaps 3 other rights in a combined place of use and will continue to overlap 3 other rights at the proposed place of use. Companion transfer 80417 will move a 37 acre portion of right 34-14301 to the current combined place of use. In order to prevent enlargement, the combined limits associated with both the current and proposed places of use under both transfers 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.