

MEMORANDUM

Date: January 15, 2016

To: Transfer 80417

From: Michael Holliday

Re: Review & Evaluation of Sufficiency of Information

This is a companion transfer to transfer 80415. The purpose of transfer 80417 is to prevent the enlargement of right 34-13665, which might otherwise occur through the approval of transfer 80415 alone. Transfer 80417 moves a 37 acre portion of right 34-14301 to the current point of diversion and place of use of right 34-13665.

Rights 34-13667, 34-13669, and 34-13671 were brought into this transfer as associated rights in order to update the combined limits with the changed portion of right 34-14301 (new right no. 34-14515). During review of the associated rights, I discovered that soon after the rights were decreed, they were included in transfer 5325 which was approved in 1999. Transfer 5325 described the points of diversion down to the 40 acre tract, but the database showed the points of diversion down to the 10 acre tract. Therefore, I removed the 10 acre tract from the points of diversion in order to reflect the approved transfer and the current standard. Transfer 5325 included volumes on the surface water rights, but the conditions of approval made it clear that the volumes were to be measured at the field headgate. In order to avoid future confusion and to show the clear intent of approved transfer 5325, I removed the volumes from Big Lost River rights 34-13667 and 34-13669, but retained the conditions limiting the field headgate volume to 3.5 AF per acre.

Authority to File:

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

Water Right Validity:

Right 34-14301 was decreed in the SRBA in 1998. Review of available post-decree imagery shows irrigation of most of the place of use in the years 2006, 2009, and 2011. Some acres within the authorized place of use could be irrigated pasture, but it is difficult to confirm based on aerial photography alone. However, it is clear that more than 37 acres were irrigated for several non-sequential years following the partial decree. Therefore, at least 37 acres of right 34-14301 are available for transfer because 5 consecutive years of non-use was not found.

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. The proposed new point of diversion is located upstream from the current point of diversion on a losing river reach. Also, 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 34-14301 currently overlaps 2 other rights in a combined place of use and the transferred portion will continue to overlap other rights at the proposed place of use. Companion transfer 80415 will move right 34-13665 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.