

MEMORANDUM

Date: December 21, 2015
To: Transfer 80376
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

Initially the purpose of this transfer was to tie three wells together via common main lines and create a combined place of use for rights 29-2337, 29-2484, and 29-13150. However, the application was protested and the transfer was changed in order to resolve the protests. The transfer now adds two points of diversion to right 29-2484 and corrects a clerical error in the legal description of the place of use. Rights 29-2337 and 29-13150 were removed from the transfer.

Authority to File:

Department records show the applicants as the current owners of the right. Bannock County taxlot data also show the applicants as the owners of the proposed points of diversion and place of use.

Water Right Validity:

Right no. 29-2484 was decreed in the SRBA in 2004. Review of post-decree photography shows consistent irrigation of the majority of the place of use via a center pivot, though there are several years when irrigation of the corners is not apparent. However, the corners appear to have been farmed in the years 2009 and 2011. Since non-use on the corners was not evident over a five consecutive year period, the entire right appears to be valid.

Injury to Other Water Rights:

Other water rights should not be impacted by the proposed change. The total authorized to be diverted under the right will not increase, and the points of diversion proposed to be added are located in close proximity to the current point of diversion. Multiple nearby well owners filed protests to this transfer due to a concern that increased pumping from the well in lot 2 might reduce the quantity of water available to their water rights. However, the protests were resolved when the applicants agreed to limit the amount pumped under right 29-2484 to 500 gpm from the well located in lot 2.

Enlargement of Use:

The proposed change will not result in enlargement because neither rate, nor volume, nor irrigated acreage will increase as a result of the transfer. The transfer proposes to change the place of use to correct a clerical error in the partial decree. The decree showed 40 acres in the NESE and 35 acres in the NWSE, rather than 35 acres in the NESE and 40 acres in the NWSE. However, the actual acres irrigated will not change.

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.