

MEMORANDUM

Date: June 4, 2015
To: Transfer 79813
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion and place of use of right no. 33-7229 and a portion of right no. 34-7226C in order to irrigate a park and cemetery in Howe.

Authority to File:

The transfer application was signed by the secretary of the Butte County Cemetery Maintenance District. A business entity search on the Idaho Secretary of State web page showed her authorization to sign on behalf of the district. The applicant provided a recorded quit claim deed demonstrating ownership of the portion of right no. 34-7226C sought to be changed, and IDWR records show the applicant as the current owner of right no. 33-7229. Tax notices submitted with the application confirm ownership of the proposed place of use.

Water Right Validity:

Right no. 33-7229 is based on a license issued in 2000. Review of post-2000 aerial photography shows regular irrigation of the place of use. Right no. 34-7226C was decreed in the SRBA in 2012. Therefore, forfeiture is not an issue.

Injury to Other Water Rights:

Other rights will not be injured by the proposed changes. The ESPA transfer tool was used to determine potential impacts on the Snake River. Right no. 33-7229 was not included in the analysis because the proposed point of diversion is located in a model cell adjacent to the current point of diversion. The model results for the split right showed that mitigation is not required because impacts were less than two acre-feet per trimester on each Snake River reach. 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 volume, nor irrigated acreage will increase as a result of the transfer. Right no. 34-7226C is currently used together with four Big Lost River rights within a combined place of use. However, the surface water rights do not fully overlap the right being transferred. The surface water rights total 120.4 acres within a 154 acre place of use, leaving 33.6 acres irrigated exclusively with ground water. The 3 acre portion of right no. 34-7226C included in this transfer does not overlap the associated surface water rights. The acres irrigated by the Big Lost River rights and the unchanged portion of right no. 34-7226C will be reduced accordingly. The number of stacked acres will not change. The transferred rights will share a combined place of use, but each right will be limited in order to prevent enlargement.

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.