

MEMORANDUM

Date: April 3, 2015
To: Transfer 79319
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

In August 2012 IDWR sent a cease and desist warning because some of the applicant's land was not covered by a valid water right. This transfer was filed in order to resolve the issue by rearranging the applicant's water rights to reflect the current irrigation system. The transfer also adds a point of diversion to right 74-38.

Authority to File:

Department records show the applicant as the current owner of the water rights, and county taxlot data shows the applicant as the owner of both the current and proposed places of use. The transfer application was signed by a general partner authorized to sign on behalf of the partnership.

Water Right Validity:

Rights 74-38 and 74-41 were decreed in the SRBA in 2012, and right 74-40 was decreed in 2008. Review of post-2008 aerial photography shows regular irrigation of the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other rights will not be injured by the proposed changes. A point of diversion is being added to right 74-38, but the quantity authorized to be diverted under the rights will not change as a result of the transfer. Right 74-38 is currently diverted from the LT-5 ditch. The point of diversion being added is the LT-3 ditch, which is located in the same QQ. The applicant owns all the water rights associated with both of these diversions. The watermaster reviewed the application and did not oppose its approval. The application was advertised and a protest was filed, but the protest has since been withdrawn.

Enlargement of Use:

Currently rights 74-40 and 74-41 are limited to 429.6 acres and are partially overlapped by right 74-61. Right 74-38 allows for the irrigation of 139 acres and is not stacked. After this transfer, rights 74-38, 74-40, and 74-41 will share a 568.6 acre combined place of use. Right 74-61 will continue to partially overlap 74-40 and 74-41, as well as 74-38. These three rights have good priority dates and are generally deliverable most of the year, while 74-61 (the subject of companion transfer 79313) is a high water right. This transfer will not result in enlargement because the total number of acres authorized for irrigation under these rights 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.