

MEMORANDUM

Date: March 19, 2015
To: Transfer 79915
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to split rights 22-2151F and 22-2161F through an ownership change and to change the location of the point of diversion to a well on the applicant's property.

Authority to File:

The applicant demonstrated authority to file by providing deeds showing ownership of her proportionate share of the two rights included in the transfer application.

Water Right Validity:

Right nos. 22-2151F and 22-2161F were decreed in the SRBA in 2008. Although review of the 2011 and 2013 aerial photography shows little sign of irrigation, growing vegetation is evident in the 2009 and 2010 photos. While the irrigation of this parcel has not been very consistent, there does not appear to have been five consecutive years of non-use, so there is no finding of forfeiture.

Injury to Other Water Rights:

Other rights will not be injured by the proposed change. The quantity of water being transferred is small, and the proposed well is located within the same 10 acre tract as the current well. The new well is only 450 feet from the current well. The 10 acre tract will be removed from the legal description of the point of diversion on the transferred portions of both rights in order to reflect the current standard. There was a clerical error in the legal description of the point of diversion on the partial decree of 22-2151F. While the QQQ was correct on both rights, the lot number was decreed as lot 3 for 22-2151F. The correct description is lot 4, as shown on the partial decree for 22-2161F. The applicant's portion of 22-2151F will be corrected to show lot 4 as the location of the point of diversion. The total quantity authorized to be diverted after the splits will not change as a result of the transfer. Since it is clear that the proposed change will not adversely impact other water rights, this application will not require public notice.

Enlargement of Use:

The proposed change will not result in enlargement of use because the total acreage, diversion rate, and volume 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.