

M E M O R A N D U M

Date: July 18, 2013
To: Transfer 78561
From: mholliday
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use of a portion of water right no. 29-13241. There are three water rights that share the current point of diversion, but there are no other water rights associated with the current place of use. There are no water rights associated with the proposed place of use.

Authority to File:

The applicant provided a quitclaim deed which demonstrated his ownership of one fifth of the water right. The applicant also provided a warranty deed showing his ownership of the proposed place of use, which was further confirmed by county taxlot data.

Water Right Validity:

Right no. 29-13241 was decreed in the SRBA in 2004. The aerial photos show evidence of growing vegetation in 2009 and 2011. Growing vegetation was not evident in the 2006 and 2010 photos. Review of the available aerial photography seems to indicate that the acreage being transferred was watered in some of the years following the partial decree. There does not appear to have been five consecutive years of non-use of the transferred portion of this right, so there is no finding of forfeiture.

Injury to Other Water Rights:

There is no evidence that the proposed change will reduce the quantity of water available to other rights. The proposed transfer moves the water right to a new pump less than a quarter mile upstream. There are no points of diversion located between the current pump and proposed point of diversion. Written comment was solicited from the watermaster of Water District 29-D in order to further assess the potential for injury. He did not oppose the approval of the application. The transfer was also advertised in the local paper and no protests were filed.

Enlargement of Use:

This transfer will not result in enlargement of use. Neither diversion rate nor acreage will increase as a result of the transfer. There is no evidence that the water supply will be enhanced as a result of the short upstream move in point of diversion.

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.