

MEMORANDUM

Date: May 23, 2023
To: Transfer 86728
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion and place of use for water right 29-7754, which authorizes the diversion of 0.81 cfs from ground water for commercial use (office and gravel washing). The transfer moves the water right from one gravel extraction site to another gravel extraction site less than 1/2 mile to the south.

Authority to File:

The applicant is the current water right owner according to IDWR records. Applicant sold the existing place of use in June 2022, but withheld the water right from the conveyance. IDWR confirmed the reservation by obtaining a copy of the deed. Applicant also owns the proposed place of use according to Bannock County parcel data.

Water Right Validity:

The right included in this transfer was licensed in 1998. Gravel has not been extracted at the existing place of use for many years. Diversion records for WD120 state that the large well, which is used for gravel washing, has not been used for many years. The applicant submitted a letter stating the water has been diverted from the small well for reclamation obligations (watering down gravel backfill and dust abatement). In addition, water has been used for gravel washing at the proposed place of use for many years, without a water right. This transfer memorializes a change that occurred many years ago. Forfeiture is not an issue.

Injury to Other Water Rights:

Other rights will not be injured by the proposed change. The current point of diversion is within the ESPA boundary, but the proposed point of diversion is in an adjacent cell to the current and therefore does not require an ESPA model simulation. The watermaster did comment that water measurement records for the POD suggest that the large well has not been used for several years, but as previously stated, the water right owners have used the small well in accordance with their reclamation obligations. The transfer has been advertised and received no protests.

Enlargement of Use:

The proposed change will not result in enlargement because neither the rate nor volume will increase as a result of the transfer.

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.