

MEMORANDUM

Date: October 20, 2023
To: Transfer 86758
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

Applicant sought to create a combined place of use for six irrigation rights in order to accommodate a pivot and to change the place of use for the stockwater portion of right 74-10146. The applicant also wanted to correct the point of diversion for a split portion of right 74-380B and to update the ownership of 3 water rights. However, the applicant was not able to obtain the lienholder's consent to make the place of use changes. While the place of use cannot be changed, the application could be partially approved to correct the point of diversion for right 74-380B, update the ownership of 3 rights, and remove domestic use from right 74-10146. Conditions could also be brought up to date.

Authority to File:

IDWR records show the applicant as current owner of rights 74-50A, 74-380A, and 74-381A. The applicant provided warranty deeds demonstrating ownership of right 74-10146 and split portions of rights 74-380B and 74-381B. The applicant is the owner of the current and proposed places of use. Kent Pharis is authorized to sign on behalf of the LLC.

Water Right Validity:

Rights 74-380B and 74-381B were decreed in the SRBA in 2007. The four other rights in the transfer were decreed in 2009. Aerial imagery shows that most of the current place of use is regularly irrigated. Some of the acreage in the west half of the NWSW section 11 does not look irrigated, but the water supply associated with that QQ (only 0.16 cfs) is not sufficient to irrigate the 39.8 authorized acres. Therefore, forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights should not be impacted by the proposed transfer. The legal description of the point of diversion for right 74-380B did not make sense because Milk Creek is located about a mile SE of the decreed point of diversion. The transfer corrects the point of diversion to match the location of right 74-380A. The application was advertised, but no protests were filed. The watermasters of water districts 74, 74W, and 170 were notified of the transfer, but no comments were received.

Enlargement of Use:

The proposed changes will not result in enlargement because the authorized diversion rate and acreage will not increase as a result of the transfer.

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.