

MEMORANDUM

Date: April 12, 2024
To: Transfer 87982
From: Brian Normandeau
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes changing the nature of use, period of use and place of use for a portion of water right 29-8011. The proposed changes are to convert 19.6 acres of irrigation to year-round diversion to storage and wildlife storage. This application is for the consumptive portions of the system; a companion Application for Permit (assigned Permit Number 29-14527) covers the nonconsumptive portion. The remaining 5.4 irrigated acres authorized by right 29-8011 have a proposed season of use of 03/15–11/15. The original application was amended, resulting in the application having to be readvertised.

Authority to File: The applicant is the current owner of the water right according to department records. An ownership change was filed in July of 2022. The applicant is authorized to file this application.

Water Right Validity: Water right 29-8011 was decreed in 2004. Review of aerial imagery clearly shows irrigation occurring at the place of use between 2004 and 2011. After 2011, imagery is less conclusive on use of this right. The applicant provided documentation stating the previous landowner irrigated the property consistently from 2015-2021. After acquiring the property in 2022, the applicant stated the land was irrigated in 2022 and 2023. The previous two years of irrigation were confirmed by aerial and satellite imagery. There is no clear and convincing evidence of forfeiture.

Injury to Other Water Rights: The application was advertised without protest. No change is proposed to the point of diversion, and the total consumptive volume is limited to the historical use of the water right. There are no issues of injury identified.

Enlargement of Use: Based on the evidence provided by the applicant, the calculated consumptive volume of water diverted by the previous owner from 2015-2021 is 17.4 acre-feet. The applicant's calculated diversion for 2022 was 44.68 acre-feet. This is consistent with the precipitation deficit of 2.4 acre-feet/acre for low management pasture at the Pocatello ETIdaho station. Using the applicant's 2022 diversion volume as the extent of historic beneficial use satisfies the volume of water proposed by the application. Seepage loss from the proposed storage is considered nonconsumptive due to the source being groundwater. The companion Application for Permit is for 19.4 acre-feet of seepage calculated for the storage facilities. The consumptive elements proposed by this application are limited to a combined volume of 43.4 acre-feet. No issues of enlargement identified.

Local Public Interest: Applicant proposes to expand the season of use for irrigation use from 4/1-10/31 to 3/15-11/15. The applicant did not provide any technical information supporting this expansion. The recognized irrigation season of use for the basin is 4/1-10/31. Authorizing a season of use that is substantially different from all other water rights in the area will create a burden for the local watermaster and will create inequities between water users. It is not in the local public interest to allow the season of use expansion.

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.