

MEMORANDUM

Date: March 29, 2024
To: Transfer 88634
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

This transfer application proposes to change the place of use for water rights 34-14567, 34-14569, 34-14571 and 34-14573. The change will reflect a change from flood irrigation to two pivots.

Authority to File:

The applicant is the current water right owner of record. This transfer is rearranging acres on the current place of use. Custer County tax lot data shows the applicant as the owner of the current place of use. The applicant has authority to make the change.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 2001. Review of aerial photography and data from the online Climate Engine tool shows that approximately 30 acres of the existing place of use have not been actively irrigated for at least eighteen years. Greg Sullivan, a consultant for the applicant, provided a Historical Water Delivery Analysis, evaluating the number of days each of the water rights were available and the shrink imposed by the Big Lost Irrigation District for delivery of the rights. Based on the analysis provided by Sullivan, it is clear that the acres were not irrigated because the water supply was not sufficient to irrigate the acres. Two of the water rights bear junior priority dates and would not be available in drought years. Further, the shrink imposed by BLRID often exceeds 40% of the water diverted at the river headgate. These two factors substantially diminish the flow available for irrigation. Forfeiture is not an issue. The installation of sprinkler irrigation will allow the water user to avoid some system losses and will help use the limited water supply on the entire place of use. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

Other rights do not appear to be injured by the proposed change. The place of use is simply being rearranged on the current place of use. Neither the points of diversion nor the quantity authorized to be diverted will change as a result of the transfer. The current water master was notified and did not provide a comment. The transfer was advertised without protest.

Enlargement of Use:

The proposed change does not appear to result in enlargement because neither rate nor irrigated acreage will increase as a result of the transfer. There are no overlapping water rights on the property.

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.