

MEMORANDUM

Date: March 7, 2024
To: Transfer 88739
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to add points of diversion and change the place of use for water rights 35-13524 and 35-14391.

Authority to File:

The applicant is the current water right owner of record. Jefferson County tax lot data shows the applicant owns the current place of use. The adjacent proposed place of use is owned by SJS Properties LLC, an affiliated entity of the applicant. Robert Harris signed the application. The applicant has authority to make the change.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 2002. Water right 35-13524 was approved in transfer no. 71632 in 2005. Water right 35-14391 was approved in transfer no. 83274 in 2014. Review of aerial photography shows an active stock operation since 2005. Forfeiture is not an issue.

Injury to Other Water Rights:

Other rights do not appear to be injured by the proposed change. The quantity authorized to be diverted will not increase as a result of this transfer. The proposed change is within the ESPA model grid boundary and did not require the ESPA model to be performed. The transfer was advertised without protest. The water master was notified and requested additional comments upon approval. The water master submitted the following additional comments.

"Concerned that applicant may be diverting a volume exceeding water rights. WMIS # 1000058 shows 346.8 af diverted in 2023. WMIS # 1003300 data is incomplete. There are no measurement records for existing (no water right) diversion in the SESW. To rule out enlargement the applicant should provide 2022 and 2023 water use reports for the three existing diversions".

Rob Harris responded by email to these additional comments on behalf of the applicant. 2022 flow meter data was not included in the response. The applicant admitted that the 2023 flow meter readings were estimates, intended to reflect the use under the third well (no water right). Rob Harris asserts that the total use from the system was about 346.8 acre-feet in 2023. The two existing authorized points of diversion are equipped with flow meters, while the third well is not. Rob Harris stated that the installation of a flow meter on this third well is being completed.

Enlargement of Use:

The proposed changes do not appear to result in enlargement because neither rate nor volume will increase as a result of the transfer. Rob Harris stated that the applicant will file an application for transfer to convert the irrigation water rights that overlap the proposed place of use to stockwater in the upcoming weeks, in response to the water master comment. They estimated 184 acres of irrigation being converted would add approximately 516 additional af for commercial and stockwater use at the expanded dairy.

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.