

MEMORANDUM

Date: January 26, 2024
To: Transfer 88743
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This application proposes to change the place of use for a 45-acre portion of water right 29-10174. The 45-acre portion will be combined with water right 29-26 to irrigate 133 acres within a 155-acre permissible place of use. The 45-acre portion of water right 29-10174 is being moved to accommodate Transfer 86187, which proposes to move ground water irrigation rights onto the 45 acres.

This application also proposes to correct the point of diversion for water right 29-26. The Portneuf River channel was straightened prior to the Snake River Basin Adjudication. Water right 29-26 describes a point of diversion on the old river channel, that has been eliminated. The proposed point of diversion is the location where water right 29-26 has been diverted ever since the river channel was straightened, prior to the SRBA. There will be no physical change to the point of diversion. Water right 29-10174 already lists the correct point of diversion. The application proposes to add a point of injection and rediversion to the transferred portion of water right 29-10174 to have the right match water right 29-26.

Authority to File: Application was filed by CX Holdings Inc, the owner of record for water right 29-10174. CX Holdings owns the property at the existing place of use for water right 29-10174. Kimball Lane Limited Partnership is the owner of record for water right 29-26 and the owner of the proposed place of use. Craig Crandall, owner of Kimball Lane, signed the application to confirm consent for the proposed changes. Ownership of the water rights will not change. CX Holdings will continue to own the transferred portion of water right 29-10174. Kimball Lane will continue to own water right 29-26.

Water Right Validity: SRBA issued partial decrees for water rights 29-26 and 29-10174 in 2004. Aerial imagery shows consistent irrigation of the existing places of use for the rights.

Injury to Other Water Rights: No issues identified. Physical points of diversion will not change. Points of injection and rediversion on Twenty-four Mile Creek is at a section of the creek crossing the applicant's property. Twenty-four Mile Creek is fully diverted above the applicant's property and rarely flow through the injection-rediversion reach. Watermaster for Water District 29 was notified of the application and did not provide comment.

Enlargement of Use: No issues identified. Nine associated rights were added to the transfer to update combined rate and acre limits. While updating the associated rights, I discovered that some of the rights contained an error in the combined acre limit. The correct total combined acre limit for all of the associated rights (prior to the transfer) is 1492.7 acres. Some of the rights listed the correct acre limit, others carried an erroneous combined acre limit, and other did not include any combined acre limit. The post-transfer combined acres limits were updated based on the correct original total (1492.7 acres). In addition, the rate for water right 29-13429 (which is an enlargement of rights 29-12A, 29-10173 and 29-10174 was reduced by 0.90 cfs to reflect the 0.90 cfs being split from water right 29-10174 through this 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.