

MEMORANDUM

Date: July 16, 2024
To: Transfer 88799
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to add a pump station on Fivemile Creek to two water rights: 13-2204 and 13-7863. The water rights have separate places of use but share a common diversion and delivery system.

Authority to File:

The applicants are the current owners of the water rights in the transfer and the owners of the respective places of use. Franklin County parcel data indicate the applicants do not own the proposed new point of diversion, but the applicants provided a statement of consent from the property owner, Sandra Weeks

Water Right Validity:

Right 13-2204 was licensed in 1962 and was included in Transfer 85805, approved in 2022. Water right 13-2204 is limited to 130 acres and shares a 135-acre combined place of use with water right 13-2168. A five-acre area within the 135-acre combined place of use has not been irrigated since 2016. It has been used as a stack yard and equipment parking lot since that time. The area was on the cusp of forfeiture when Application for Transfer 85805 was reviewed in April 2022. With the passage of two additional irrigation seasons, the non-use is well over the five-year threshold. Water right 13-2204 is limited to the irrigation of 130 acres within the 135-acre combined place of use. Therefore, this transfer can be approved without needing to address the forfeiture question. The place of use for water right 13-2204 will be reduced to only cover the 130 acres that have been actively irrigated. The five acres at the stack yard will be considered the five acres of water right 13-2168 that does not overlap with water right 13-2204. The two rights will continue to bear a combined limit of 135 acres. Water right 13-7863 was licensed in 1979 and was included Transfer 87967, approved in 2023.

Injury to Other Water Rights:

There are no apparent injury issues with the proposed changes. The quantity authorized to be diverted will not change because of this transfer. The transfer was advertised, and no protests were received. The Water District 11 watermaster was notified of the transfer but did not provide comment.

Enlargement of Use:

There are no apparent enlargement issues with the proposed changes. The water rights included in this transfer are junior rights on Fivemile Creek and are stacked with shares from Twin Lakes Canal Company. No change in place of use is proposed, and the rate, volume and irrigated acres will not increase because of the transfer. The rights will be conditioned and limited to the amount of water available at the original points of diversion on Fivemile Creek.

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.