

MEMORANDUM

Date: May 6, 2024
To: Transfer 88873
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion and place of use due to a clerical error in the SRBA decree for water right 35-10999.

Authority to File:

Documents were supplied that show the land conveyance from the current water right owner to the applicant. Bingham County tax lot data shows the applicant as the owner of the proposed place of use. The water rights current place of use overlaps land owned by another individual. The applicant provided a copy of the notice that was sent to this landowner, per Idaho Code 42-248. It is presumed that the applicant has authority to make the change.

Water Right Validity:

The right included in this transfer was decreed in the SRBA in 2000. Review of 2017, 2019, 2021, and 2023 aerial photography shows growing vegetation on the proposed place of use. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

Other rights will not be injured by the proposed change. Neither the point of diversion nor the quantity authorized to be diverted will change as a result of this transfer. The water master was notified and provided this comment, "I don't oppose approval of this application as long as the applicant can prove ownership of the water right described under 42-248. 42-248(6) should be required". Since it is clear that the proposed change will not adversely impact other water rights, this application will not require public notice.

Enlargement of Use:

The proposed change does not appear to result in enlargement because neither rate nor volume nor irrigated acreage will increase as a result of 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.