

MEMORANDUM

Date: July 30, 2024
To: Transfer 89125
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This application proposes to change the place of use for water right 73-79 and a 147-acre portion of water right 73-10028. The proposed place of use is a 266-acre permissible place of use. The application also proposes to add a point of diversion to the 147-acre portion of ground water right 73-10028. In their existing places of use, rights 73-79 and 73-10028 overlap by 80 acres. This overlap will be preserved within the permissible place of use. The transferred rights will be limited to a combined total of 227 acres.

Authority to File: Application was signed by Scott Hayes, the current owner of record for the right. Scott King at HDR helped prepare the application and provided a few amendments, signed by Hayes.

Water Right Validity: Partial decrees for the rights were issued in the SRBA in 2008 and 2009. Proposed place of use has been consistently irrigated since then. On the overall place of use for water rights 73-78, 73-116, 73-79 and 73-10028, there are 58.2 acres under pivot corners that have not been consistently irrigated. The water right holder, Scott Hayes, has owned the property since 1997 and explained that there is insufficient water to irrigate all of the acres on the property. Water right 73-79 from Lawson Creek authorizes a diversion of 3.2 cfs and the irrigation of 160 acres. Mr. Hayes says that the diversion from Lawson Creek is measured. The creek rarely flows over 1.0 cfs and for most of the irrigation flows at 0.5 cfs. The non-irrigation is a directly result of a lack of water in Lawson Creek. Forfeiture is not an issue.

Injury to Other Water Rights: No issues identified. Proposed well is located less than 1/4 mile from the existing well. Department published notice of the application and no protests were filed. Watermasters for Water Districts 73 and 170 were notified of the transfer but did not provide comment.

Enlargement of Use: Combined use limits will be carried forward on the approval. Also, the right holder will be required to identify the specific acres irrigated by water rights 73-79 and 73-10028 within the 226-acre permissible place of use.

Local Public interest / 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.