

MEMORANDUM

Date: May 23, 2023
To: Transfer 87967
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to add a point of diversion, change the point of diversion and change the place of use for water right 13-7863.

Authority to File:

The applicants are the current owners of water right 13-7863. The property owner of the proposed place of use is West Valley Farms, LLC, registered agent Wesley Beutler signed the transfer application. The right involved in this transfer was sold separate from the parcel according to documents submitted with an approved ownership change, giving the applicants authority to file this transfer.

Water Right Validity:

The right included on this transfer was licensed on 3/22/1979. Review of 2019, 2015 and 2009 aerial photography shows growing vegetation at the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other rights will not be injured by the proposed changes. The quantity authorized to be diverted will not change as a result of this transfer. The watermaster for water district 11 was contacted and no comment was received. The transfer was advertised and no protests were received.

Enlargement of Use:

Water right 13-7863 is a split portion of original right 13-2226. The source of the right, Fivemile Creek arises on the west side of the Bear River. The existing place of use for water right 13-7863, however, is located on the east side of the river. Based on the documents in the water right file for right 13-2226, water was pumped from Fivemile Creek and conveyed across the Bear River in a pipeline to irrigate the acres on the east side of the river. Water from Fivemile Creek has not been pumped across the river for many years. Instead, the existing place of use for water right 13-7863 has been irrigated with water right 13-2279, a drain/spring on the east side of the river.

Water right 13-7863 is currently stacked with a full supply water right and will continue to be stacked with a full supply water right at the proposed place of use. Water right 13-7863 will be combined with shares from Twin Lakes Canal Company. Water right 13-7863 is very junior on Fivemile Creek and is an inferior source of water when compared to the TLCC shares. The rate, volume and irrigated acres will not increase as a result of the transfer. The proposed changes will not result in enlargement.

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.