

MEMORANDUM

Date: March 20, 2025
To: Transfer 89600
From: Christian Stewart
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to reshape the place of use to reflect the recent installation of a pivot.

Authority to File: Cole Clark, the applicant, is the owner of record for water right 35-14758. The applicant owns the place of use and point of diversion according to Bingham County parcel records.

Water Right Validity: Right 35-14758 is a split from right 35-2786, which was decreed on 1/31/2002. Aerial imagery from 2004-2013 shows the irrigation of 168 acres under this portion of the original right. Right 35-14758 has been included in the mitigation plan for Bingham Groundwater District since 2015 and 160 acres were irrigated from 2015-2021 to help the previous right holder meet mitigation plan requirements. Cole Clark installed a small pivot sometime after he purchased the property in 2021 and before the 2023 irrigation season. Aerial imagery from 2023 shows irrigation of 192 acres at the place of use. The department does not have clear and convincing evidence of forfeiture at this time.

Injury to Other Water Rights: No injury issues identified. Point of diversion will not change. Watermaster for Water District 120 does not oppose application. This transfer was processed with no advertisement.

Enlargement of Use: There is no increase in authorized rate, volume, or acres. The right was decreed with a condition that use of the right is "combined with water from Danskin Ditch". The applicant confirmed that no ditch shares have been or are appurtenant to the place of use since he bought the property in 2021. The place of use is not within the boundaries of any irrigation company, and there are no overlapping water rights at the place of use. No enlargement concerns identified.

Local Public interest: 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.