

MEMORANDUM

Date: April 10, 2025
To: Transfer 87765
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use and point of diversion for water right 22-14166. The water right is currently combined with shares in Bannock Jim Slough and Liberty Park Irrigation at the existing place of use. The water right will be combined with shares in Sunnyside Irrigation Company at the proposed place of use.

Authority to File: Application was filed by Hard Way LP, the current owner of record for water right 22-14166. Application was signed by Robert Smith, managing partner for Hard Way LP. Application was prepared by Kristin Moore at Rocky Mountain Environmental Associates Inc.

Water Right Validity: The SRBA Court issued a partial decree for water right 22-14166 in 2007. Existing place of use has been consistently irrigated since that time.

Injury to Other Water Rights: No issues identified. Proposed point of diversion is located more than eight miles from the existing point of diversion. Applicant provided an ESPA transfer tool analysis that shows that no mitigation is required. Any impacts to Snake River flows are offset by the cumulative effects of all transfers. Water right is regulated by Water District 100. The watermaster for WD100 raised a concern that the transfer may result in an enlargement of use. Application was protested by Fremont-Madison Irrigation District. The protest was withdrawn after multiple settlement conferences and a volume limit was added to the right to prevent enlargement in use.

Enlargement of Use: Water right is combined with shares in Bannock Jim and Liberty Park at the existing place of use. Bannock Jim and Liberty Park hold senior water rights and are considered full supply water rights. Applicant provided a detailed report summarizing the ground water use on the property over the last ten years. The right holder had difficulty receiving delivery of the Liberty Park shares because of delivery disputes on a common ditch. Evidence available to the Department at this time indicates that ground water right 22-14166 was used as a primary water supply on 63 acres. Based on ET and diversion estimates, the right holder diverted approximately 108 acre-feet each year from ground water. At the proposed place of use, the ground water right will be combined with Sunnyside Irrigation Company shares. The Sunnyside water supply is not as good as Bannock Jim's or Liberty Park's. To prevent enlargement, the right will be limited to 108 acre-feet and will be designated as a supplemental ground water right. The proposed point of diversion is an existing ground water well, used to divert water rights 22-7706 and 22-7654. To assist with the administration of a water right with a volume limit, the approval was condition to require a separate flow meter for water right 22-14166.

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.