

MEMORANDUM

Date: March 11, 2024

To: Transfer #87575, Picabo Livestock Co., Inc./Picabo Brewing Co., LLC file

From: Jim Bitzenburg

Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes changes to two groups of irrigation water rights (23 parent rights & 23 split rights) which have separate places of use (POU) and separate ownership, but are irrigated with the same system, and share the same points of diversion (POD). The transfer proposes changing the POU of the parent group from a 3025.4 acre permissible place of use (PPU) to a 3088.6 PPU, and adding a 10.0 acre, 0.31 cfs Silver Creek irrigation right into the PPU. The transfer will add the POD of the 10.0 acre Silver Creek right to the 40 existing surface water (Silver Creek & Loving Creek) rights from both groups and add the six PODs of the 40 surface rights to the 10.0 acre Silver Creek right. Post transfer, the parent group of 23 rights, plus the 10.0 acre Silver Creek right, will irrigate 2709.3 acres within a 3088.6 acre PPU with a flow rate of 72.77 cfs. The split portion group of 23 rights will irrigate 12.0 acres with a flow rate of 0.32 cfs; combined, the 47 rights have a flow rate of 73.09 cfs.

The transfer also proposes to add two points of injection and six points of rediversion on Silver Creek to the three parent and three split portion ground water rights, which already share three authorized PODs (wells). The PODs and POUs of both groups are located generally within an area approximately 1.0 mile east to 4.2 miles west and 0.8 mile south to 1.7 miles north of Picabo.

The transfer is in Water District 37, so Watermaster comments were solicited; the Watermaster did not comment on the application. The transfer was advertised and Blaine County protested the application. The protest was eventually withdrawn based on an agreement between the applicant and Blaine County.

- **Authority to File:**

The Department's database indicates that the transfer water rights are owned by the applicants, Picabo Livestock Co., Inc. and Picabo Brewing Company, LLC. The application was signed by Pat Purdy, Vice President of Picabo Livestock Co., Inc. and Frank Tonnemaker, manager of Picabo Brewing, LLC. Documents from the Idaho Secretary of State were included in the application packet.

- **Water Right Validity:**

The water rights were decreed in the SRBA, and ample irrigation is evident at the current POU, so forfeiture is likely not an issue.

- **Injury to Other Water Rights:**

None anticipated or foreseen. The injection/rediversion of the ground water should benefit other water users as it increases the amount of water flowing in Silver Creek.

- **Enlargement of Use:**

None anticipated. The PPU is increasing, but the actual irrigated acreage will only increase by the amount of the right being brought into the PPU.

- **Local Public Interest:**

No issues anticipated. The transfer was advertised and the resulting protest was withdrawn.

- **Beneficial Use/Conservation of Water Resources:**

Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

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.