

MEMORANDUM

TO: Transfer No. 88619
FROM: Blake Burkard, Bob Howe
DATE: November 21, 2023
RE: Evaluation of Application

The transfer proposes adding PODs and changing the place of use for water rights 63-3310 and 63-7381. New pivot systems and mainlines will be connected to existing irrigation wells, and previously irrigated corners will be transferred to new areas. The site is located approximately four miles northwest of Melba, near the intersection of Highway 45 and Melmont Rd. The applicant is Frank Tiegs, LLC, the owner of the two water rights, and the representative is Greg Sullivan of Brockway Engineering, PLLC.

Deviations from Transfer Policy Standards

Both decreed rights had ground water PODs described to the QQQ. Since PODs are proposed to change by this transfer, each POD identified should be listed to the QQ in the approval documents.

Summary of Information Submitted

Authority to File:

The water rights were subject to ownership changes when the transfer application was received by the Department. Frank Tiegs, LLC, is the current owner of the water rights and the appurtenant land.

Water Right Validity:

The water rights were leased to the water supply in 2022 due to an application on September 30, 2022 and were released early due to a request in March of 2023. Per § 42-1764 *Idaho Code* “The five year period of nonuse for forfeiture of a water right shall begin to run anew upon removal of a right from the bank.” Five years has not elapsed since the water rights were leased into the water supply bank. Therefore, there is no concern about forfeiture.

Injury to Other Water Rights:

Neither the original, nor the proposed well locations are in any area where there are concerns about groundwater. All the wells proposed in the application are existing wells and are confined to a relatively small location in the same approximate area. Other ground water users should not be affected by the change.

The application was advertised and not protested.

Enlargement of Use

SUPPORT DATA

IN FILE # 63-3310

The two water rights are limited to a combined 183 acres and 823.5 afa. There are not other overlapping water rights. The transfer will not add diversion quantity nor will it add acreage. There are no concerns about enlargement of use.

Local Public Interest:

Adding existing wells as additional points of diversion and small alterations in the place of use are not local public interest concerns. For these reasons this application proposes a change consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

Pivots are considered very efficient diversion systems. The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.