

MEMORANDUM

Date: June 28, 2017
To: Transfer 80634
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the points of diversion and place of use for water rights 11-256, 11-321, 11-322, 11-323, 11-7474, 11-7475, 11-7657, 11-7691 and 11-7692. The applicant seeks to combine the points of diversion and combine the places of use for these nine water rights. The applicant desires to have the flexibility to move their water rights within an 1825.8 acre combined place of use.

The transfer application describes the source of water under water rights 11-7691 and 11-7692 as unnamed streams. According to affidavits from Wade Harris and Randy Budge, the source of water under water right 11-7691 is known as Clover Creek, and the source of water under water right 11-7692 is known as Pole Creek. The source of water under 11-7691 will be changed to Clover Creek and the source of water under 11-7692 will be changed to Pole Creek.

Authority to File:

The applicants are the current owner of water rights per IDWR record and the owner of the property at the proposed place of use per Bear Lake County taxlot data (updated in 2017). Randy Budge who is the applicant's attorney signed the application.

Water Right Validity:

Rights 11-256, 11-321, 11-322, 11-323, 11-7474, 11-7475, and 11-7657 were included in the 1920 Dietrich Decree.

Included in this transfer are two statutory claim water rights. Water right 11-7691 (Clover Creek) and 11-7692 (Pole Creek). To determine the validity of these statutory claims a field investigation was conducted on June 15, 2017. During the field investigation water from Clover Creek and water from Pole Creek was being diverted to irrigate two fields adjacent to each other located on the applicant's property. The location of the points of diversion and location of the place of use are depicted on a map included in the transfer file. Pictures of the points of diversion are also included in the transfer file. A flow measurement was conducted on Clover Creek and Pole Creek. The rate of diversion from Clover Creek (11-7691) was approximately 2.46 cfs. The rate of diversion from Pole Creek (11-7692) was approximately 4.86 cfs. The priority date established under these claims were verified through affidavits from Wade Harris and Randy Budge. are validated through an Affidavit from Randy Budge (applicant's attorney).

Aerial Photography shows all the land described under these water rights as irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

These water rights are regulated by WD 11. As part of the transfer the applicant seeks to have the flexibility to divert any of their water rights from any of their proposed points of diversion. The water rights involved in this transfer are not all from the same water source. To avoid potential injury and possible enlargement issues only points of diversions under the water rights with like water sources will be combined. Water rights 11-7474, 11-7475, 11-256 and 11-7657 are diverted from the Bear River. The points of diversion described under the Bear River water rights will be combined.

This transfer was advertised state wide and there are no protests. The water master does not oppose the transfer.

Enlargement of Use/ Local Public Interest / Conservation of Water Resources:
No issues identified.