

Memo to File

Forfeiture Recommendation Statement for Claim 11-335 & 11-7728

Background & Legal Basis

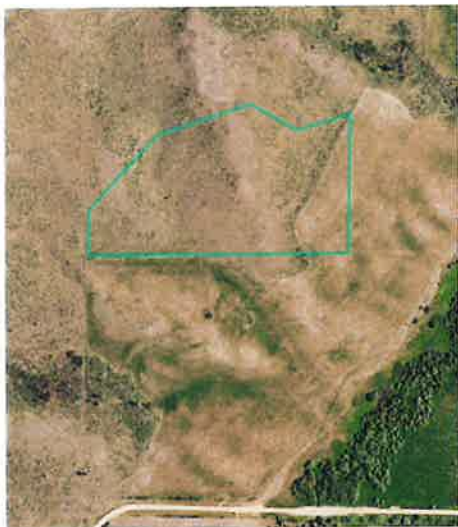
Under Idaho Code § 42-222(2), water rights are subject to forfeiture if not put to beneficial use for five consecutive years. Partial forfeiture applies to a portion of a right that has been unused during that period.

Assessment of Forfeiture

- **POU:**

The water right POU and the claimed POU in 11-335 align with one another. However, in 11-7728 the water right POU and the claimed POU do not align, and the claimed POU extends onto property not owned by the claimant. No documentation was provided showing that the actual property owner authorized the claimant to include this area. Therefore, only the portions of the POU located within the claimant's ownership were reviewed for 11-7728. Additionally, some POU areas were found on property listed under a name different from the claimant. After reviewing the ownership records, it was determined that the claimant had transferred the deed to Lacey Ritter LLC. Both entities share the same registered agent and manager on file with the state in which they were incorporated.

11-335 Claimed POU



POU

11-7728 Claimed POU



0.1 Miles



Undeveloped Portion



Developed Portion

0.1 Miles

- **Transfer Conditions:**

In 2012 IDWR approved Transfer 77914, which relocated water rights 11-335 and a portion of water right 11-324 (assigned right no. 11-7728) to a location on the hillside west of Eightmile Creek. The property owner (the claimant) at time proposed to pump water out of the creek up the hill to irrigate 17 acres. No evidence of irrigation or construction of a pump station that was proposed in Transfer 77914 is observed in imagery.

- **Full / Partial Forfeiture Applicable:**

The unused portion qualifies for full or partial forfeiture under established IDWR policy, as described in guidance document, Multiple Programs Memo No. 2.

Recommendation

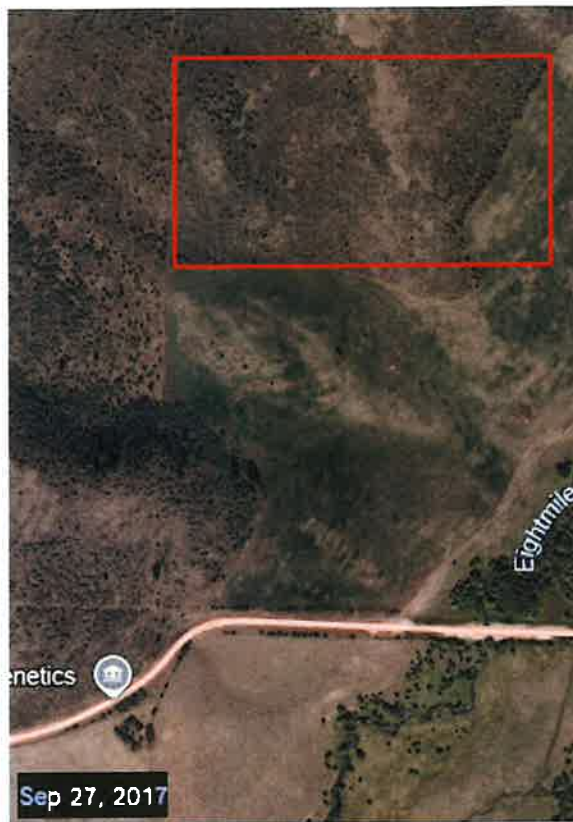
Based on the foregoing:

- **Forfeiture of water rights 11-335 & 11-7728 due to no evidence of use after Transfer 77914 approval.**

Supporting Documentation

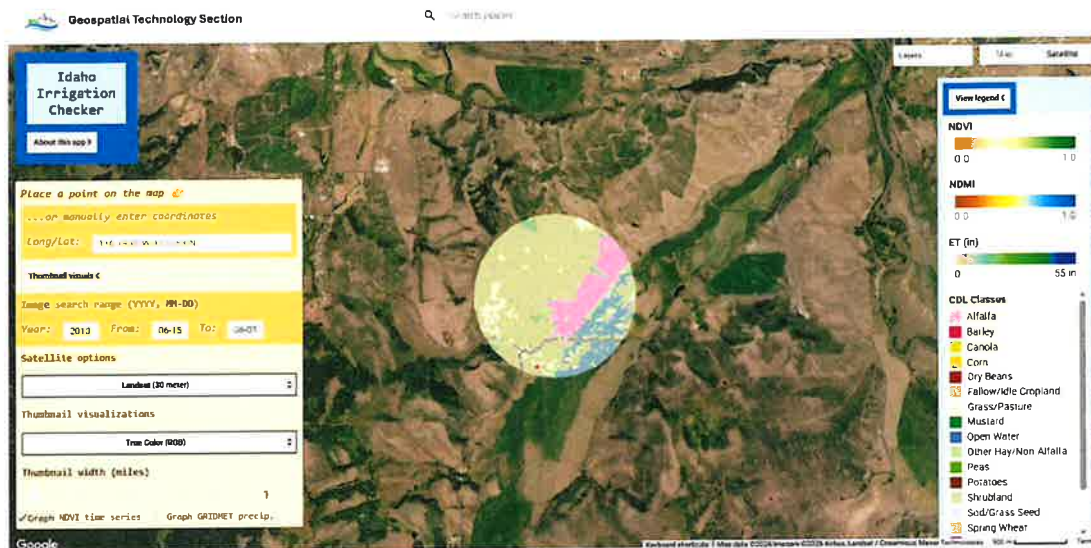
True Color Aerial imagery:



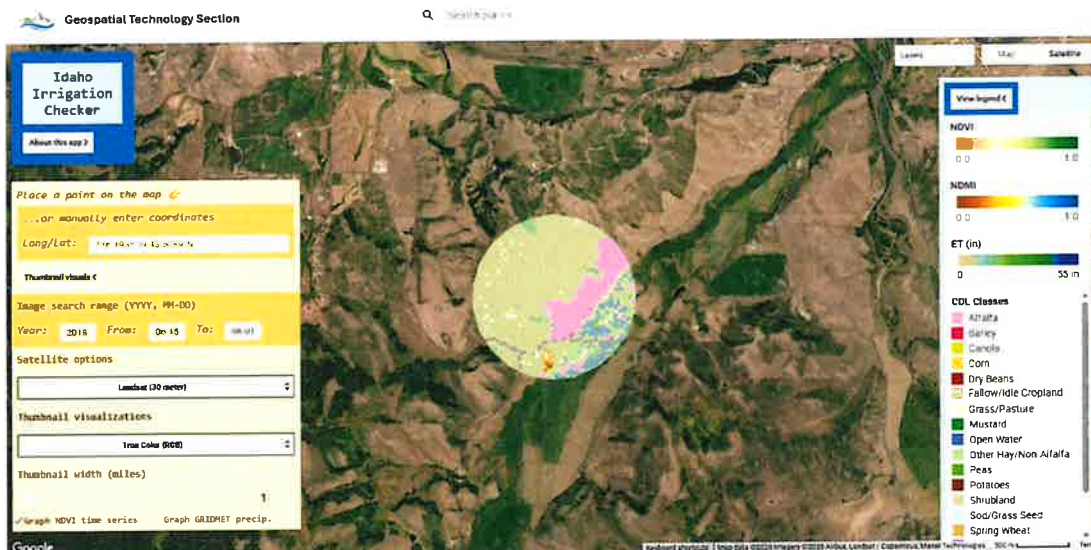


Cropland Data Layer Analysis:

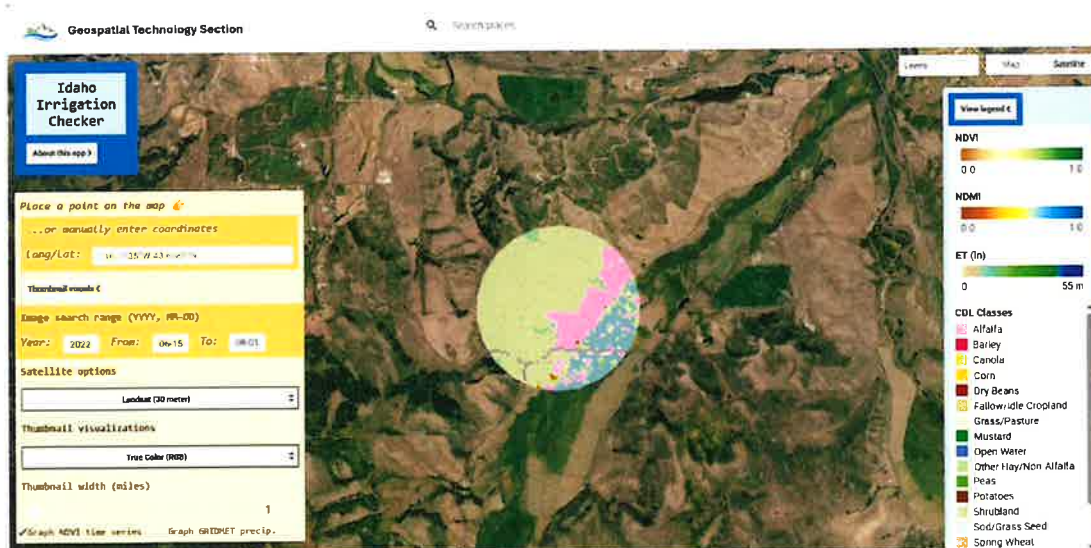
Landsat 8 CDL 2013



Landsat 8 CDL 2018



Landsat 8 CDL 2023

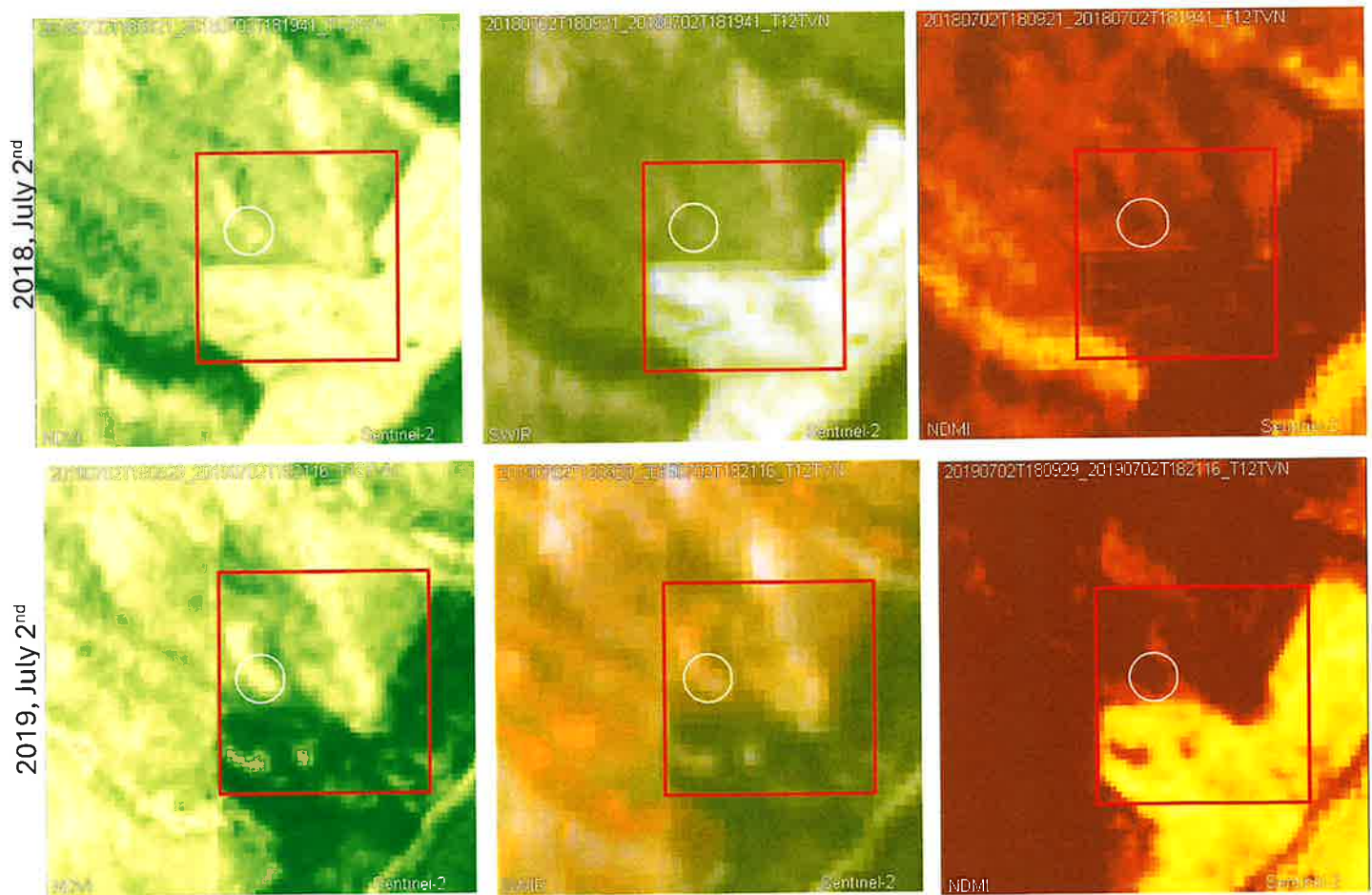


Based on the USDA cropland data layer (CDL) from the IDWR Idaho Irrigation Tracker, the undeveloped portion of the claimed POU is constantly classified as Shrubland. And the developed area is Alfalfa

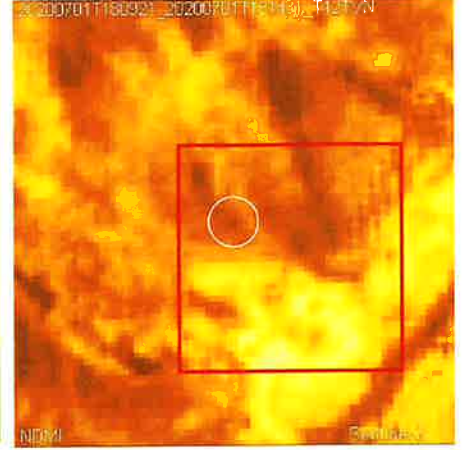
Remote Sensing Index Analysis:

Based on the Normalized Difference Vegetation Index (NDVI), Shortwave Infrared (SWIR) imagery and Normalized Difference Moisture Index (NDMI), agricultural irrigation can be evaluated by assessing crop health, monitoring canopy water status, and identifying equipment patterns or failures. The following imagery provides snapshots of the claimed POU (approximate POU is outlined in red) to determine whether any signs of irrigation are present. A review of Sentinel-2 imagery supports the visual conclusion that no irrigation is occurring over most of the claim. The claimed POU consistently matches surrounding non-irrigated areas year after year.

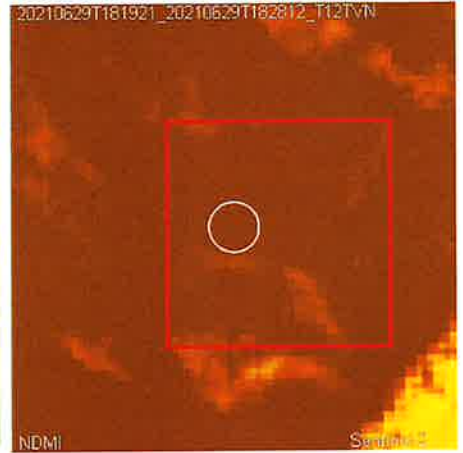
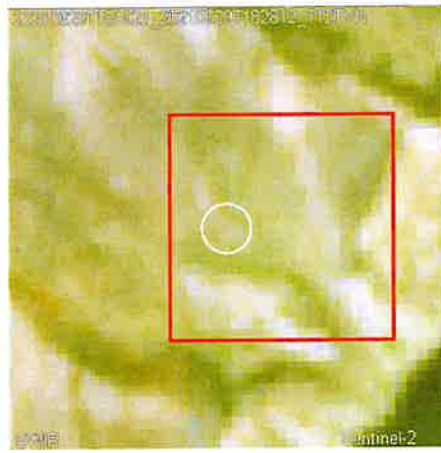
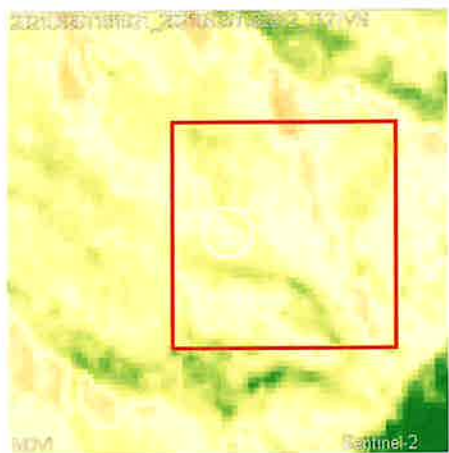
- Normalized Difference Moisture Index (NDMI) mathematically classifies areas into three main categories by evaluating near infrared and shortwave infrared light wavelengths:
 - Blues - Cyan: High canopy water content (signifies dense healthy vegetation, wetlands or open waters).
 - Green - Yellow: Moderate moisture levels (indicating transitioning, normal or stressed vegetation).
 - Orange – Brown: Low moisture levels (indicating stressed vegetation, dry or bare soil, drought conditions).
- Normalized Difference Vegetation Index (NDVI) classifies the health and density of vegetation.
 - Dark Green – Medium Green: Abundant to moderate vegetation health.
 - Light Green – Light Brown: Low to minimal vegetation health.
 - Light Brown – Dark Brown: Low vegetation health or bare soil / open waters.
- Shortwave Infrared (SWIR) detects plant moisture levels, assesses vegetation health, and differentiates between green canopies, dry soil, and decaying matter.



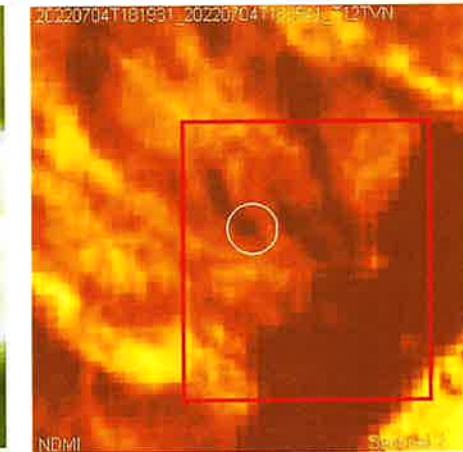
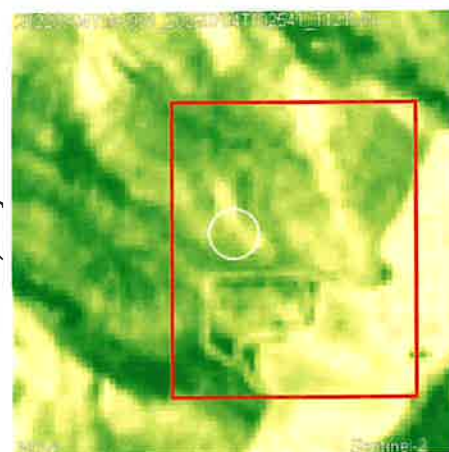
2020, July 1st



2021, June 29th



2022, July 4th



Conclusion

Implementing this recommendation will align the water right with Idaho law, ensuring efficient use of public water resources and accurate representation of current beneficial use.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jacob Morris', with a long horizontal stroke extending to the right.

Jacob Morris

Water Resource Agent

Idaho Department of Water Resources

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