

MEMORANDUM

Date: September 2, 2026
To: Transfer 90219
From: Jon Davidson
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the nature of use, period of use, and place of use for water right 29-4061. Ronnie Losser (applicant) is seeking to change the nature of use for a 0.5-acre portion of water right 29-4061 for an existing 0.17-acre recreation pond that has no water rights. Water from the spring flows into and out of the pond and then sinks into the ground before reaching the Portneuf River. This transfer was filed in response to an unauthorized water use discovered in 2025 (E2025-4116).

Authority to File:

The applicant provided a warranty deed verifying him as the owner of water right 29-4061 and owner of the property at the place of use. Through this transfer, the ownership of the water right will be updated to the applicant's name.

Water Right Validity:

Water right 29-4061 was decreed in 2004. Aerial imagery available to the Department shows consistent irrigation occurring. Forfeiture is not an issue.

Injury to Other Water Rights:

The transfer was advertised and protested. A Default Order was issued after the protestants failed to appear for a pre-hearing conference and did not file a timely response to the Notice of Proposed Default Order. Since the protestants failed to appear at the pre-hearing conference and didn't respond to the proposed default order, the Department assumes that the protestants concerns have been resolved. The Water District 29D watermaster was notified about the transfer application but did not provide any comments. No injury issues.

Enlargement of Use:

Approval of this transfer will not result in an increase in the diversion rate, total volume, or total irrigated acres. The approval of this transfer will resolve enforcement case E2025-4116. The volume associated with the 0.17-acre pond is 1.1 acre-feet. Evaporation losses from the pond are 0.4 af/yr and the total storage capacity of the pond is 0.7 af. To cover the annual fill and the evaporation losses of the recreation pond, the applicant will dry up 0.5 acres of land planted in grass pasture. According to ET-IDWR, the ET value for grass pasture is 2.3 af/year. The irrigation portion of the water right is limited to 4.0 acres. This water right authorizes four PODs. At the time of this transfer, only two are actively being used. No enlargement issues identified.

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.