

MEMORANDUM

Date: May 19, 2022
To: Transfer 85980
From: Jared Adamson
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for a 10-acre portion of water rights 34-800C and 34-12367. The 10-acre portion will be combined with water rights 34-165A, 34-753, 34-13580, 34-2382B and 34-2423 to create a 249-acre combined place of use. The application was in response to Enforcement Case No. E2021-2755.

M. Duane Haney is changing ownership as part of the transfer application for water rights 34-2382B, 34-2423, 34-165A, 34-165A, 34-753, and 34-13580. Recorded quitclaim deeds showing the conveyance of property from Dessa Robin Haney to Maurice Duane Haney are included in the application. Water rights 34-800C and 34-12367 are currently in the name of Duane Haney and Kody Haney. The ownership of these rights and the split portions therefrom will not change.

The acre limit for water right 34-13580 was updated to 79.0 acres to match the conditions on the partial decree. The partial decree clearly states that the right is for an enlargement of 79.0 acres. The combined rate limits for associated rights 34-2406H, 34-14015, 34-14016, and 34-14464 was updated to reflect the split of water right 34-12367.

Authority to File:

The applicants are the current owners of water rights per IDWR record and M. Duane Haney is the owner of the property at the proposed place of use and point of diversion per Butte County taxlot data (7/21/2021). Duane Haney and Kody Haney signed the application.

Water Right Validity:

These water rights were decreed in 2001. In review of aerial photography available to the department there is no clear and convincing evidence showing that forfeiture has occurred. Forfeiture is not an issue.

Injury to Other Water Rights:

Injury to other rights will not result from the proposed changes. These rights are regulated by WD 34 and the watermaster does not oppose the application. This transfer was advertised and there are no protests.

Enlargement of Use:

The approval of this transfer will not result in an enlargement of a water right. After the transfer is approved, only 230 of the 249-acre combined place of use will be covered by ground water rights. The enforcement action referenced above was the result of Haney irrigating more acres from his ground water well than is authorized by his ground water rights after the Big Lost River rights were no longer available. The transfer approval will be conditioned to require Haney to identify the 230 acres to be irrigated by the three ground water rights.

Local Public interest:

No issue identified.

Beneficial Use/Conservation of Water Resources:

No issue 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.