

MEMORANDUM

Date: April 14, 2022
To: Transfer 85901
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use for five overlapping rights (34-198A, 34-317A, 34-331, 34-2477A and 34-12363A) and change the point of diversion for the two groundwater rights (34-2477A and 34-12363A). The point of diversion will be a new well near the place of use, reducing conveyance losses.

Authority to File:

The applicant, Lewene Clark, has the authority to file and update ownership to the Orville and Jennie Marie Smith Family Limited Partnership. Jennie and Orville Smith are the current owners of record for the rights. The pre-transfer place of use, post-transfer place of use, and post-transfer point of diversion ("property") were owned by Jennie and Orville Smith Family Limited Partnership, according to Custer County taxlot data.

The property was deeded from Jennie Marie Smith to the Orville and Jennie Smith Family Limited Partnership as part of a 2012 Warranty Deed included with the application. The deed is silent regarding water rights.

Lewene Clark is authorized to sign on behalf of the Orville and Jennie Marie Smith Family Limited Partnership, according to two Assignment and Assumption of Partnership Units, dated January 14 and 15, 2021, and an Assignment and Assumption of Membership Interests, dated February 17, 2021, and submitted with the application.

Water Right Validity:

The water rights are valid for transfer. They were decreed on 12/14/2001. Review of post-decree aerial photography shows that at least 466 acres have been consistently irrigated with these rights. Additional acres on the property have been irrigated with water rights 34-2477B, 34-12363B and 34-198B.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The transfer was advertised and no protests were received. The Watermaster for Water District 34 was notified of the transfer and did not oppose it.

A simulation of the transfer was performed in ETRAN 3.4. Impacts to modeled reaches of the Snake River were less than 2 AF/trimester and less than 10% of historical. Therefore, no mitigation is required.

The place of use was amended slightly after advertising, but not enough to warrant re-advertisement as authorized by Section 42-222, Idaho Code.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Rate, volume, nor irrigated acres are authorized to increase.

Conservation of Water / Local Public Interest:
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.