

MEMORANDUM

Date: October 26, 2021
To: Transfer 84777
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to reconfigure the place of use of right 34-7054A to reflect current application of water. No physical change to the point of diversion will occur. Ownership of right 34-7054A will also be updated.

Authority to File:

Brett and Trudy Williams are the applicants and have provided a deed conveying ownership of the parcels associated with right 34-7054A from Albert and Eleanor Fullmer. Leon Williams, Brett's father was listed on the deed from Fullmer and held the property jointly with Brett and Trudy. Leon Williams died in 2015 (copy of death certificate was provided by applicants). According to Butte County Parcel data dated October 16, 2020, Brett Williams is the owner of all parcels in the proposed place of use. AgCredit, PCA holds a security interest on right 34-7054A and has provided a statement consenting to the proposed changes. The applicants have authority to file the transfer.

Water Right Validity:

Right 34-7054A was decreed in the SRBA in 2001. The existing place of use for water right 34-7054A was not irrigated from 2001 to 2013. Kristin Moore, consultant for Williams, met with the previous owners of the property, Albert and Eleanor Fullmer. Kristin provided a summary of her conversation with Fullmers and offered the facts presented by Fullmer as a defense to forfeiture. Review of WMIS flow meter data and remote sensing vegetation indices from 2013 to 2020 indicate consistent irrigation of the proposed place of use. The existing and proposed places of use are part of a large contiguous farm owned by Williams. Based on the information provided by Kristin Moore, the Department does not have clear and convincing evidence of forfeiture.

Injury to Other Water Rights:

Other water rights will not be impacted by the proposed transfer. There will be no physical change to the point of diversion. Because the transfer will have no hydrologic impact, public notice will not be required. The watermaster of WD 34 has been notified of the proposed changes and has not provided comment.

Enlargement of Use:

This transfer proposes to partially stack ground water right 34-7054A with surface water rights 34-7A, 34-8A, 34-18, 34-19, 34-20A, 34-253B, 34-569E, 34-608B, 34-609B, 34-10634, 34-13581 and 34-13582. All listed water rights are owned by Brett Williams. The 34-7054A proposed place of use covers an additional 69 acres when compared to the above surface water rights. This creates a combined acre limit of 637.7 acres. The proposed changes will not result in enlargement because water use will not increase as a result of the transfer.

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.