

MEMORANDUM

Date: September 24, 2021
To: Transfer 85301
From: Michelle Watts
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to move the point of diversion for water right 34-14815 from a spring to a downstream point of diversion on the Big Lost River, immediately adjacent to the place of use.

Authority to File:

The applicant, Mountain States Properties LLC, is the current owner of the water right due to an ownership split application processed December 1, 2020. Custer County Parcel records indicate the applicant is the owner of the place of use. The agent for Mountain Properties, Douglas Sayer, signed a special power of attorney for water rights to Racine Olson PLLP. Randall Budge from Racine Olson, has signed as the authorized representative on the application. The applicant is the proper owner of the water right and has authority to file the transfer.

Water Right Validity:

Right 34-14815 is a split from 34-328A decreed in 2001. Review of vegetation indices from 2016 to 2020 indicate application of water in the current place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

The existing point of diversion for water right 34-14815 is shared with several other water rights. The point of diversion is located approximately 1.3 miles from the place of use. The first half of the conveyance system is a slough which is always full of water and meanders through wetlands near the Big Lost River. Two of the rights served by the common point of diversion from the spring are located along the slough channel and would not have any conveyance losses. The other rights include excess diversion rate to offset any conveyance losses. The transfer will be approved without leaving any rate at the original point of diversion. The watermaster of WD 34 has been notified of the proposed changes and has not provided comment.

Enlargement of Use:

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.