

MEMORANDUM

Date: July 23, 2021
To: Transfer 84995
From: Michelle Watts
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to move 11 acres from ground water right 34-2356 to a new place of use and point of diversion. 34-2356 is currently stacked and combined with surface right 34-633. The applicant proposes to abandon 11 acres of 34-633 to allow the ground water transfer.

The application was amended on August 27 (after public notice) to resolve irrigation of acres outside of a water right boundary. The 11 acres from 34-2356 will be added to a proposed combined place of use consisting of surface rights 34-393, 34-964, 34-452C and ground water right 34-7171. The proposed place of use will be adjusted to match current irrigation. The amended transfer will only rearrange the place of use for the additional rights, so re-advertising will not be necessary.

Authority to File:

Seefried Ranch LLC is the applicant and owner of all rights proposed to be changed. The application was signed by Holly Seefried, the listed agent for the corporation. Custer County parcel data revealed all current and proposed POU and PODs are on properties owned by Seefried Ranch LLC. The applicant has authority to file the transfer.

Water Right Validity:

Right 34-2356 was decreed in 2001. Review of vegetation indices in the acres to be moved lacked evidence of irrigation for a portion of the 11 acres since the pivots were installed in 2009. WMIS data for right 34-7171 on acreage to the west, also owned by Seefried Ranch LLC, showed an uptick of water usage during this same timeframe. The acres irrigated beyond the 34-7171 place of use will be considered the same acres dried up under right 34-2356. Review of vegetation indices from 2016 to 2020 for rights 34-393, 34-964, 34-452C and 34-7171 indicate application of water in the current place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be impacted by the proposed transfer. The proposed point of diversion is an existing well currently used for water right 34-7171. The transfer was advertised and no protests were received. The watermaster of WD34 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. Combined rights 34-633 and 34-2356 will both be reduced by 11 acres. The surface portion will be abandoned enabling the ground water to be transferred to the proposed place of use.

Water right 34-7171 includes a lengthy condition resulting from a Memorandum Order and Decision issued in a 1991 contested case involving the water right. The 1991 order was issued before water right 34-7171 or any of the surrounding rights were decreed in the SRBA. Portions of the condition do not make sense given the post-SRBA water rights. Some of the rights referred to were disallowed in the SRBA. The condition was updated to match current water right numbers and elements.

Local Public Interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.