

MEMORANDUM

Date: April 12, 2021
To: Transfer 84555
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

This transfer moves a 17.8-acre portion of water right 34-2323C into the City of Moore municipal system. The transfer originally proposed to change the nature of use from irrigation use to municipal use (for irrigation). After consulting with the Department, the applicant amended the application to maintain the existing irrigation nature of use. The amendment proposed a permissible place of use that includes the entire City of Moore service area. The applicant identified the 17.8 acres to be irrigated by the transferred right. The amendment does not constitute a significant change to the proposed use and will not require additional public notice.

Authority to File:

The current owner of water right 34-2323C is Bank of Idaho, Trustee for the Leslie A Ball IRA. The applicant, City of Moore, provided a copy of a purchase and sale agreement, showing Ball IRA's agreement to sell 17.8 acres of water right 34-2323C to the City. The split portion of the right will be conveyed to the City upon approval of the transfer. Butte County parcel data show the City of Moore as owner of the proposed well locations. The application was signed by Mayor Klingler, who is authorized to sign on behalf of the City.

Water Right Validity:

Right 34-2323C was decreed in the SRBA in 1998. The application indicated that the water right was not used for the past 3 years, but post-decree aerial imagery shows regular irrigation of the place of use through the 2017 season. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights should not be impacted by the proposed changes. The applicant provided an ESPA model analysis which showed that no mitigation is required. The transfer was advertised and no protests were received. The Water District 34 Watermaster was notified of the proposed transfer, but did not provide comment.

Enlargement of Use:

The proposed change in nature of use will not result in enlargement because neither rate, volume, nor beneficial use will increase as a result of the transfer. The transferred portion of 34-2323C will be limited to the irrigation of 17.8 acres within the permissible place of use (municipal service area) in order to prevent enlargement. There are no other water rights at the current place of use.

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.