

MEMORANDUM

Date: December 22, 2020

To: Transfer 84588

From: Michael Holliday

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to correct the legal description of the point of diversion and place of use of right 34-10079. No physical change will occur. Ownership will also be updated.

Authority to File:

Right 34-10079 was decreed to Renae and Patrick Miller. Both the POD and the POU were claimed and decreed in the SENE of section 26, which is on USFS land. Aerial photos show no evidence of a home in the SENE. The decree also shows the property to be in HES 423, but no part of HES 423 intersects the SENE. The water right contains an explanatory condition further describing the property as parcel no. RPH007N19E6800. According to Custer County that parcel, which is located in the SESE, was previously owned by the Millers and is now owned by the applicants. The applicants provided a warranty deed demonstrating ownership of the parcel. Based on the evidence it seems clear that the QQ listed on the decree was in error, and that the applicants are the proper owners of the water right and have authority to file the transfer.

Water Right Validity:

Right 34-10079 was decreed in the SRBA in 1997. There is no evidence available to IDWR that would indicate five consecutive years of nonuse of the water right. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be impacted by the proposed transfer. There will be no physical change to either the POD or the POU. Only a portion of the legal description will change. Because the transfer will have no hydrologic impact, public notice will not be required.

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.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

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.