

MEMORANDUM

Date: December 21, 2020
To: Transfer 84504
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the nature of use, points of diversion, place of use, and period of use for a 6-acre portion of right number 29-4382. The proposed change in nature and period of use is from Irrigation to Stockwater for the installation of a new stockwater system, which also changes the place of use and points of diversion. The transfer also changes the place of use and points of diversion for four acres of Irrigation.

Authority to File:

The Applicant, Egan Farms, LLC, has the authority to file. The water right was in the name of William or Kathleen Egan, according to the Department's database. Egan Farms recently filed an ownership change with IDWR confirming its ownership of water right 29-4382. According to the Idaho Secretary of State, William Egan is the registered agent for Egan Farms, LLC.

The post-transfer place of use and points of diversion are owned by Potter Creek Ranch, LLC. A "Consent to Water Right Transfer," included with the application, evidences Potter Creek Ranch's approval of the transfer. The Consent was signed by Christopher Roles, the General Partner of the Manager of Potter Creek Ranch.

The application was signed by Luke Marchant, Attorney for the Applicant.

Water Right Validity:

The water right is valid for transfer. It was decreed in 2004. Review of post-decree aerial photography indicates consistent irrigation.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The transfer was advertised and no protests were received. The Watermaster for Water District 29H was notified of the transfer and provided a comment asking that all points of diversion, including the stockwater portion, be equipped with a measuring device.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Stockwater, the new Nature of Use, will be limited to 17.5 AFA. To mitigate, 6.0 acres of Irrigation were retired, consistent with the "Consumptive Use Analysis" in the application. 2.1 acres of the pre-transfer place of use will be covered by water right 29-14344, as authorized by Transfer 84388, approved concurrently with this transfer. Application proposes to expand the season of use for the stockwater portion. This would constitute an enlargement of the right and cannot be approved. Water right 29-4382 bears a priority date of 1936 and has never been exercised during the non-irrigation season. Allowing an expansion into the non-irrigation season could injure junior water rights. Applicant has been notified of the issue and has opted to file an application for permit for the non-irrigation season.

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.