

## MEMORANDUM

**Date:** October 14, 2020

**To:** Transfer 84444

**From:** Michael Holliday

**Re:** Review & Evaluation of Sufficiency of Information

Right 21-13003 was decreed in the SRBA with the wrong legal description for the place of use (T13N instead of T15N). The purpose of this transfer is to correct the clerical error and to update ownership. The transfer also removes the 10-acre tract from the point of diversion description, though the physical well location will not change.

**Authority to File:**

Right 21-13003 was decreed to Elaine and Wendell Winegar. They are the two managing members of Valley View Rental & Sales LLC, and are both authorized to sign the application on behalf of the LLC. Water right ownership will be changed to the LLC in the transfer. Fremont County parcel data shows the LLC as owner of the proposed point of diversion and place of use.

**Water Right Validity:**

Right 21-13003 was decreed in the SRBA in 2007. The applicant indicated that the well had not been used for a long time. The original building served by the well was removed more than five years ago. Elaine Winegar said they have not had the financial resources to build a new home on the property. In this case nonuse of the water appears to be due to circumstances over which the right holders have no control. This is a valid defense to forfeiture according to Idaho Code 42-223.

**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 point of diversion or place of use. 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.