

## MEMORANDUM

**Date:** October 9, 2020  
**To:** Transfer 84343  
**From:** James Cefalo  
**Re:** Review & Evaluation of Sufficiency of Information

This transfer proposes to consolidate the places of use for water rights 13-227, 13-314 and 13-2161 onto a 125-acre place of use. The transfer also updates the point of diversion for water right 13-227, to confirm that water is diverted at the pump station on Worm Creek, the same location as the point of diversion for water right 13-2161. The Unnamed Drain described in water right 13-227 flows into Worm Creek just upstream of the proposed point of diversion.

**Authority to File:** Application was filed by Randy and Jill Wanner. A 20-acre portion of the existing place of use for the water rights is appurtenant to land not owned by Randy and Jill Wanner. This land is referred to as the subdivision. The subdivision lots do not have access to Worm Creek or the small reservoir on Worm Creek. The lot owners have never irrigated their properties with Worm Creek water after the land was subdivided, according to Wanner. The subdivision lot owners have never pursued ownership changes for the water rights. The Department sent direct notice (through certified mail) of the transfer to the subdivision lot owners. The direct notice asked the lot owners to either file a protest against the transfer or file an ownership change if they asserted an ownership interest in water rights 13-227, 13-314 or 13-2161. None of the lot owners responded to the notice. Wanner contacted some of the lot owners about the proposed changes. He reported that the lot owners did not oppose the transfer.

**Water Right Validity:** Proposed place of use will cover 125 acres. Aerial photos confirm that water has been stored in the reservoir and that the proposed place of use has been consistently irrigated over the last 20 years.

**Injury to Other Water Rights:** No issues identified. Points of diversion for water right 13-314 and 13-2161 will not change. Point of diversion for water right 13-227 is being shifted downstream by less than 500 feet. There are no other water rights from the unnamed drain listed as the source for water right 13-227 and no points of diversion between the existing and proposed points of diversion.

**Enlargement of Use:** No issues identified. The consolidation of acres would result in a authorized diversion rate in excess of 0.02 cfs per acre. Therefore, water rights 13-227 and 13-2161 will include a combined rate limit of 2.50 cfs (0.02 cfs per acre on 125 acres).

**Local Public interest:** No issues identified. Transfer cleans up water right records in advance of the Bear River Basin Adjudication.

**Beneficial Use/Conservation of Water Resources:** No issues identified. Water rights will be limited to 0.02 cfs/acre and 3.5 af/acre.

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.