

## MEMORANDUM

**Date:** September 23, 2020  
**To:** Transfer 83463  
**From:** James Cefalo  
**Re:** Review & Evaluation of Sufficiency of Information

This transfer proposes to rearrange the places of use for six water rights delivered through a common irrigation system. Water rights 22-7090 and 22-7493 will continue to have separate places of use. Water right 22-13968 will be split. 30 acres will remain in the NWNW, Sec 33, T05N, R40E where the ground water right is combined with surface water from Sunnyside Irrigation District. The remaining 43 acres of water right 22-13968 will be combined with water rights 22-2251, 22-7495 and 22-13969 to cover a 365-acre place of use.

Authority to File: Kirt & Lori Sutton, Stan & Pauline Sutton Living Trust are the current owners of record for water rights 22-2251, 22-7090, 22-7493, 22-7495 and 22-13969. Stanley Sutton is the owner of record for water right 22-13968. Stanley Sutton passed away in 2018. All property previously held by Stanley Sutton is now part of the Stan & Pauline Sutton Living Trust. The original application and the amended application were signed by Kirt & Lori Sutton and by Pauline Sutton. All of the existing and proposed places of use are held by Kirt and Lori Sutton, the Stanley & Pauline Sutton Living Trust, or both. A small portion of the proposed place of use (6 acres) for water right 22-7090 is on property owned by Shawn & Lisa Webster. Kirt Sutton rents this ground from Webster to accommodate an area watered by his pivot. The ground has been irrigated with the Sutton pivot for about ten years.

Water Right Validity: Water rights are valid. Some were licensed in the 1990s. Others were decreed in 2008. The rights, in combination authorize 1.081 acres of irrigation. At least 1,081 acres have been irrigated on the Sutton property since the time of the SRBA partial decrees.

Injury to Other Water Rights: No issues identified. Points of diversion for the rights will not change. The rights are diverted from two ground water wells.

Enlargement of Use: 30 acres of water right 22-13968 is within the service area for Sunnyside Irrigation District and is usually irrigated with surface water. These 30 acres will remain in the NWNW of Section 33, and will continue to be combined with Sunnyside Irrigation District water. Water right 22-13968 will be split to allow the remaining 43 acres to be combined with other rights. Except for the 30 acres of water right 22-13968, none of the other acres have been used on acres with appurtenant surface water rights. Therefore, all other acres can be rearranged outside of the Sunnyside Irrigation District service boundary.

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.