

MEMORANDUM

Date: August 25, 2020
To: Transfer 84122
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the nature of use, point of diversion and place of use and add points of diversion to a 31-2-acre portion of water right 34-2323C. The split portion of the right will be moved into the City of Moore municipal system for municipal irrigation use.

Authority to File:

The current owner of record for water right 34-2323C is Bank of Idaho as Trustee for the Leslie A Ball IRA. The applicant, Moore Water & Sewer Association, provided a copy of a March 2020 Purchase and Sale Agreement, where Ball IRA agrees to sell 31.2 acres of water right 34-2323C to Moore Water & Sewer Association. The split portion of the right will be conveyed to Moore Water & Sewer after the transfer approval and an ownership change will be filed at that time. The application was signed by Lin Pearson and Arlene Pearson, the Vice President and Secretary of Moore Water & Sewer Association. The City of Moore owns the property where the proposed points of diversion are located.

Water Right Validity:

After reviewing aerial photography, it is unclear whether the current place of use has been consistently irrigated. The applicant has stated that access to the current point of diversion has been denied due to the fact that no easement was recorded with the neighboring property where the well is located. The department does not have clear and convincing evidence to pursue forfeiture.

Injury to Other Water Rights:

Other rights will not be injured by the proposed changes. Applicant provided an ESPA transfer tool analysis. No mitigation is required. The transfer was advertised and no protests were received. The water master for water district 34 was contacted about the proposed changes but did not provide comment.

Enlargement of Use:

The proposed change will not result in enlargement because neither the rate nor volume will increase as a result of the transfer. The split portion of water right 34-2323C is being added to an existing municipal water system, but will be limited to municipal irrigation use. There is one other municipal right, 34-7543, which is delivered at the same points of diversion.

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.