

MEMORANDUM

Date: March 19, 2020
To: Transfer 83889
From: Jeff Nield
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for water rights 34-2372, 34-10552, and 34-13415 to allow the applicants to drill a new well on their own property. Currently, the authorized point of diversion for the rights is located on property owned by another person. Applicants, Vance and Hannah Reynolds, do not have legal access to the existing point of diversion.

Authority to File:

Department records show the applicants as the current owners of the water rights. According to the warranty deed contained in the recently submitted ownership change, the applicants are also the owners of the property at the proposed point of diversion.

Water Right Validity:

The rights proposed to be transferred were decreed in the SRBA in 2001 and 2002. During a review of aerial imagery it appears that about 16 acres of the place of use has not been watered for many years. The applicants stated that the current point of diversion is on property that is not owned or accessible by them, which is the reason for this transfer. According to documents available to the Department (through ownership changes), the property currently owned by Reynolds was split from the property with the existing well in 2007. The Reynolds property has been physically and legally disconnected from the well since that time. The only irrigation that has been possible on the Reynolds property has been under their Big Lost River water rights, which are not sufficient to irrigate the entire place of use. Given the lack of access to the authorized point of diversion, the Department does not have clear and convincing evidence of forfeiture.

Injury to Other Water Rights:

The transfer was advertised and no protests were received. The water master had the opportunity to review the application but did not comment. Injury to other water users does not appear to be an issue.

Enlargement of Use:

The transfer will not result in any changes in rate, volume, or irrigated acres. Enlargement does not appear to be an issue.

Local Public Interest:

No issue 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.