

MEMORANDUM

Date: December 5, 2019
To: Transfer 83602
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion for right 35-13236. The right will be moved from a previously used well to a newer shared well currently used by the applicant. Both wells are located within the same QQ.

Authority to File:

The applicant is the daughter of the current water right owner of record, Keith McDaniel, who is deceased. Bonneville County parcel data shows the water right owner's wife (Betty McDaniel, also deceased) as the owner of the place of use. The applicant is the personal representative of her parents' estate and is authorized to sign the application on their behalf. Ownership of the point of diversion (a shared domestic well) is unclear, but rights 35-13236 and 35-13237 have been pumped from the well for 20 years. The applicant's neighbor, owner of 35-13237, previously filed transfer 83544 to change her point of diversion to the same shared well location. Both transfers were protested. At the pre-hearing conference the two neighbors agreed to withdraw their protests to each other's transfers and to negotiate a well sharing agreement. Condition 004 will be added to both transfer approvals.

Water Right Validity:

Right 35-13236 was decreed in 2000. There is no evidence available to IDWR that would indicate five or more consecutive years of non-use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be impacted by the proposed change. The current and proposed wells are within the ESPA boundary, but both wells are within the same model cell. Therefore, an ESPA model run will not be required. This application was advertised and was protested by the other user of the shared well, but the protest was withdrawn at the pre-hearing conference. I discussed the proposed transfer with the Water District 120 watermaster and he did not oppose its approval.

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.