

MEMORANDUM

Date: November 1, 2019
To: Transfer 83555
From: Brian Normandeau
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for a 5 acre split portion of water right 27-12156. The 5 acres involved in the transfer used to be part of a larger farm. This corner of the farm was subdivided and sold. Water right ownership will be updated as part of the transfer.

Authority to File:

The application was signed by Mistri and Race Russell. They are the land owner's per Bingham county records. The current water right owner is Byard Cox. A chain of title going from Byard Cox to Mistri and Race Russell was provided with the application.

Water Right Validity:

The right involved was decreed 8/28/2007. Aerial imagery does not show any evidence of irrigation since 2007. The subject property became legally and physically disconnected from the authorized point of diversion in 2005, when Byard Cox sold the 5-acre parcel to Ross & Betty Shurtz. The 5-acre parcel has had no access to the original point of diversion (Byard Well) since that time. Although there is evidence of non-use, the applicant's have identified circumstances beyond their control, overcoming any forfeiture concerns.

Injury to Other Water Rights:

The proposed point of diversion is not close to any other production wells. There were no protests or watermaster comment. No issues identified.

Enlargement of Use:

The total number of acres irrigated is not being changed, and there is no proposed change to the diversion rate or the volume of water used. No issues identified.

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.