

MEMORANDUM

Date: September 13, 2018
To: Transfer 81268
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for water right 34-2424B. The proposed point of diversion is located approximately 1/2 mile south of the existing point of diversion. The existing point of diversion was a well shared with Jerry Brown. Transfer proposes drilling a new well at the existing place of use for water right 34-2424B. The existing well will continue to be used by Jerry Brown. Place of use change is simply rearranging acres to reflect current irrigation practices.

Authority to File: Application was signed by Luke Marchant, attorney for Mitchell and Elaine Sorensen. Sorensens are the current owners of record for water right 34-2424B and are the owners of the existing and proposed places of use according to Butte County taxlot records.

Water Right Validity: The place of use for water right 34-2424B has been irrigated consistently since the water right was decreed in 2001. Ground is also covered by Big Lost River right 34-10319 and storage water from Mackay Reservoir through Big Lost River Irrigation District. It is not clear what source was used to irrigate the property in recent years. It is possible that the surface water supplies have been sufficient to supply the annual irrigation demand. Forfeiture is not an issue.

Injury to Other Water Rights: Application was advertised by the Department and was protested by Joel Andersen. Andersen owns a well located less than 1/4 mile from the proposed point of diversion. An administrative hearing was started, but the parties settled part way through the hearing. Andersen withdrew his protest without condition. Watermaster of WD34 does not oppose the transfer.

Enlargement of Use: Water right 34-10319 (Big Lost River) describes a place of use of 116 acres, which encompasses and surrounds the 106-acre place of use for water right 34-2424B. In other words, the proposed place of use is located within the place of use for water right 34-10319. The two rights will continue to be limited to 116 combined acres. Water right 34-10319 does not need to be added to the transfer as an associated right because none of the water right conditions need to be updated.

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.