

MEMORANDUM

Date: June 14, 2019
To: Transfer 83195
From: Brian Normandeau
Re: Review & Evaluation of Sufficiency of Information

This application, as originally filed, proposed to change the place of use and point of diversion for water right 11-7772. The water right is being sold to the applicant, and a change of ownership will be accomplished after the transfer is approved. While processing the transfer IDWR discovered errors in the land list for the proposed permissible place of use. The land list had been created in a prior transfer involving water rights 11-2119 and 11-7007 (Transfer 79996).

Due to the proximity to the Wyoming-Idaho border, the PLSS grid in this area of the state is not reliable and is inconsistent with the DRG maps and the legal descriptions included on property deeds. The land list for Transfer 79996 was created based on the PLSS layer, which appears to be incorrect. We have decided to revise the land list to agree with property deeds. Applicants, Mike and June Saxton, amended the application to include water rights 11-2119 and 11-7007 to correct the permissible place of use land list. The permissible place of use will not actually change in any way.

Authority to File:

The original application was signed by Mikel Saxton, who is the owner of the proposed place of use and point of diversion per Bear Lake County parcel records. Application included a Sales Agreement, stating that the current water right owner, Mahogany Ridge Dairy Farm, is selling all of water right 11-7772 to Mike Saxton. The existing place of use is owned by Mahogany Ridge Dairy Farm. The application was originally filed by Mike and June Saxton (Mike's wife). The Sales Agreement is only with Mike Saxton, so June was removed as a transfer applicant. The amended application included June Saxton's signature as it now included rights 11-2119 and 11-7007, which are owned by Mikel and June Saxton.

Water Right Validity:

Water right 11-7772 was licensed in 1983. Based on available aerial imagery, the existing place of use has been consistently irrigated. The validity of rights 11-2119 and 11-7007 was evaluated in 2015 for Transfer 79996. No issues identified.

Injury to Other Water Rights:

The proposed point of diversion is an established groundwater well. The location is not near any other production wells. No issues identified.

Enlargement of Use:

This transfer does not result in the increase in diversion rate, volume or irrigated acres covered by the water right. Both the current place of use and proposed place of use are covered by surface water rights from the Thomas Fork with comparable priority dates. The current place of use will continue to be irrigated with surface water only. Ground water right is being moved from a stacked position to a stacked position with comparable surface water rights. 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.