

MEMORANDUM

Date: December 3, 2018
To: Transfer 82757
From: Jeff Nield
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and update the ownership of water right 34-14038. The right is a split portion of parent right 34-7152. Original property was subdivided into 5-10 acre lots. Ground water right 34-7152 has been split multiple times. The original property was also covered by surface water rights 34-126 and 34-127. These surface water rights have not been split and are owned by the subdivision homeowners association. Transfer 75521, which was approved in 2009, included unique conditions combining split portions of water right 34-7152 with surface water rights 34-126 and 34-127. A similar condition will be applied to this transfer approval. This condition will make it easier the process future ownership changes in the subdivision. Rights 34-14039, 34-14086, and 34-14426 have been brought into this transfer as associated water rights to adjust their combined limit conditions which reference right 34-14038.

Authority to File:

The current owner of record for water right 34-14038 is KIVI Land & Livestock LLC. Application included a July 2018 warranty deed from KIVI to Mark and Ruby Taylor. Custer County taxlot data also lists Mark and Ruby Taylor as the owners of the subject property. The transfer application was signed by Mark and Ruby Taylor. Water right ownership will be updated as part of the transfer approval.

Water Right Validity:

Water right 34-7152 (parent right of 34-14038) was decreed in 2007. Drought emergency (temporary) transfers were approved for water right 34-14038 in 2014 and 2015. Forfeiture is not an issue.

Injury to Other Water Rights:

The transfer application was advertised and no protests were received. Proposed point of diversion is located approximately one-half mile north of the existing point of diversion. Transfer tool analysis is not required because the new point of diversion is within the same ESPA model cell as the existing point of diversion. Watermaster for Water District 34 was notified of the transfer but did not provide comment.

Enlargement of Use:

No issues identified. Neither rate, nor volume, nor irrigated acres will increase as a result of the transfer. Combined limits with overlapping surface water rights will be preserved. Water right 34-14038 will continue to be supplemental to surface water rights.

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.