

MEMORANDUM

Date: November 13, 2018
To: Transfer 82761
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the point of diversion and creates a 186.0 acre permissible place of use for a five-acre split portion of right 34-14622.

Authority to File:

The applicant, John Lezamiz Family LTD Partnership, has the authority to file. According to Department records, at the time of transfer submittal, right 34-14622 was owned by Laura and Loren Good. An "Agreement for Purchase and Sale of Water Rights," included with the transfer application, documents that the applicant has the authority to file. Ownership of the water right will be updated after this transfer's approval. The post-transfer place of use and point of diversion are owned by the applicant, according to Custer County taxlot data.

Water Right Validity:

The water right is valid. It was decreed in 2002. The water right was not used in the five years prior to this transfer's submittal. The applicant asserts that they do not own the point of diversion, and were thus barred from using it. Custer County taxlot data confirms their statement. Loss of access to the point of diversion is a valid defense to forfeiture under Idaho Code 42-223(6).

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The transfer was advertised and no protests were received. The Watermaster for Water District 34 was notified of the transfer and did not comment. A simulation of the transfer with the ESPAM2.1 model was not performed. The pre-transfer and post-transfer points of diversion are in the same model cell.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Rate, volume, nor irrigated acres are authorized to increase.

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.