

MEMORANDUM

Date: September 24, 2018
To: Transfer 82709
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to update the place of use and point of diversion for water rights 22-2219, 22-4091 and 22-7491 to include a 6.6-acre piece of the Frank Summers Inc., property referred to as the dirt farm. Through an initial review of transfer 82622, a 13-acre field was found being irrigated but not within any of the surrounding water rights places of use. Half of the dirt farm is owned by Frank Summers Inc. and the other half by Summerco Management Inc. This transfer proposes to dry up necessary corners of the current place of use in order to cover their half of the dirt farm. The legal description of the points of diversion are being updated to be consistent with the other water rights irrigated from the same diversion system. No physical changes are being made to the points of diversion.

Authority to File:

The applicant, Franks Summers Inc., is the current water rights owner of record, and the application signee is the president of Frank Summers Inc. Madison County taxlot shows the applicant is the owner of the current and proposed place of use.

Water Right Validity:

Water rights 22-2219 and 22-4091 were decreed in the SRBA in 2008, while water right 22-7491 was licensed in 2006. Review of 2009, 2013 and 2017 aerial photography shows growing vegetation on the current place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be injured by the proposed changes. The place of use is simply being changed to cover a 6.6-acre field within the applicants property. The points of diversion are being updated to be consistent with the other water rights irrigated from the diversion system, no physical changes are occurring. The quantity authorized to be diverted will change as a result of the transfer. The proposed change will not impact other water rights, therefore no advertising is required.

Enlargement of Use:

The proposed changes will not result in enlargement because neither the rate, volume or irrigated acres will increase as a result of the transfer. Corners of the current place of use will be dried up to cover the 6.6 acres proposed to be added to the place of use.

The points of diversion are associated with two other water rights, owned by the applicant, and involved in another transfer. Transfer 82622 proposes the involved water rights, 22-2183 and 22-10483, to be diverted out of the same wells as the rights involved in this transfer. Therefore, a combined limit condition has been placed on all five water rights (22-2183, 22-2219, 22-4091, 22-7491 and 22-10483).

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.