

MEMORANDUM

Date: September 20, 2018
To: Transfer 82644
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the point of diversion and creates a permissible place of use for rights 34-14621 and a split portion of 34-14620.

Authority to File:

The applicant, John Lezamiz Family Ltd Partnership, has the authority to file. At the time of transfer submittal, right 34-14620 was owned by Audrey Wright, and 34-14621 was owned by Rodney Atkins. Two "Agreement for Purchase and Sale of Water Rights" included in the application demonstrate that the applicant purchased the two water rights. However, only a portion of right 34-14620 was proposed to be transferred, leaving the remaining 1.4 acres on their originally decreed place of use. Based on those Agreements, the ownership of right 34-14621 and the split portion of right 34-14620 was updated as part of this transfer's approval. The applicant owns the post-transfer place of use and point of diversion, according to Custer County taxlot data.

Water Right Validity:

The water rights are valid. They were decreed in 2002. The applicant indicates that the water rights have not been used in the past five years because the previous owners did not have authorization to access the pre-transfer point of diversion. This defense to forfeiture is valid 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 oppose it. An ESPAM 2.1 analysis of the transfer was not required. The pre-transfer and post-transfer points of diversion are located 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. The application proposed a place of use with more acres in the NENW and L1 (NWNW) than were reported by the BLM and IDL. The applicant asserts that their proposed permissible place of use accurately reflects the number of acres in those QQs. An analysis of the QQs in ArcMap using a polygon shape snapped to the QQ boundaries indicates that the applicant's assertion is correct. As such, the approval document reflects the proposed place of use.

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.