

MEMORANDUM

Date: August 9, 2018
To: Transfer 82485
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and to update the ownership of water right 34-13913. The place of use will not change.

Authority to File:

The applicants recently purchased the property associated with 34-13913. Ownership of the water right was updated in this transfer based on a warranty deed.

Water Right Validity:

Original water right 34-2425 authorized 147 acres of irrigation from a single ground water well. The ground was subdivided in the early 1990s. As lots were sold off, the lot owners were cut off from the irrigation well. The ground covered by water right 34-13913 does not appear to have been irrigated since the date of the partial decree (2002). The applicants explained that the non-use was due to circumstances beyond their control, since they did not have legal access to the point of diversion and the infrastructure needed to water the subdivision was removed. Although the well is located on the applicants' lot, it is likely that the well belongs to the owner of rights 34-7090A and 34-14407 by adverse possession. It appears that only those two rights have been diverted from the well for many years.

Injury to Other Water Rights:

An ESPA model run is not required for this transfer because the current and proposed points of diversion are located in the same model cell. Other rights will not be injured by the proposed change because the quantity authorized to be diverted will not change as a result of the transfer. The application was advertised and no protests were filed. The Water District 34 Watermaster reviewed the application and indicated that he did not oppose its approval.

Enlargement of Use:

The proposed change will not result in enlargement because the total acreage, diversion rate, and volume authorized for irrigation under the right will not increase.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

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.