

MEMORANDUM

Date: June 21, 2018
To: Transfer 82376
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use and point of diversion for a 26.3-acre portion of rights 22-7287 and 22-12656, and 24.8-acre portion of 22-13466, 22-13467, 22-13468, 22-13469, 22-13470, 22-13471, and 22-13472, combining them into a 579.1 acre permissible place of use. The rights will be limited to 51.1 acres within the PPU.

Authority to File:

The applicants, Val and David Schwendiman, have the authority to file. According to the Department's database, the applicants are the current owners of record for all of the water rights. Both owners signed the application.

Parts of the pre-transfer place of use for rights 22-7287 and 22-12656 were decreed onto land owned by various federal agencies. Decrees were issued in the name of the applicants, even though the applicant's did not own the property. As the water right owners, the applicants have the authority to change the place of use of the water rights.

The applicants own the land from which rights 22-13466 et al. are being removed, according to Madison County taxlot data. The applicants own the land at the proposed place of use, according to Madison County taxlot data.

Water Right Validity:

The water rights are valid. They were decreed in 2012. Aerial photography shows irrigation of the entire decreed places of use during most years between 2013 and 2016.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The applicant provided a transfer tool analysis using ESPAM2.1. Results show that no mitigation is required. The Watermaster for Water District 100 was notified of the transfer and did not state any concerns. The transfer was advertised and no protests were received.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. The transfer will result in a 51.1 acre combined place of use within a larger 579.1 acre legal description. The remaining 528 acres at the proposed place of use are covered by permit 22-13293.

At the time of transfer submittal, associated right 22-7271 listed a combined limit of 3,887.5 acres when combined with rights 22-7210, 22-7287, 22-7313A, 22-7313B, and 22-12656. That combined limit should have been updated as part of Transfer 74650's approval to list a combined limit of 3933.5 acres, thereby matching the other combined rights. The error can be corrected as part of this transfer.

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.