

MEMORANDUM

Date: July 3, 2018

To: Transfer 82409

From: Michael Holliday

Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for water right 34-14659 to the applicant's property located in Lot 6, Block 1, Crows Nest Estates Subdivision. The place of use will not change.

Authority to File:

The applicant recently updated the ownership of the water right being transferred, and Custer County taxlot data shows the LLC as the current owner of the proposed point of diversion and place of use. Bruce and Kim Butler provided documentation showing authority to sign on behalf of the LLC.

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 34-14659 does not appear to have been irrigated since the date of the partial decree (2002). Applicant explained that the non-use was due to circumstances beyond its control, since it did not have access to the point of diversion. IDWR has approved POD transfers for other lots in the subdivision based on similar defense to forfeiture arguments.

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.