

## MEMORANDUM

**Date:** March 30, 2018  
**To:** Transfer 82144  
**From:** Dennis Dunn  
**Re:** Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for water right 29-2426B. The decreed points of diversion for this right are on another persons property. Applicant proposes to drill a well on his own property.

Authority to File: Applicant, Stan Wallerstedt, is the owner of record for water right 29-2426B. Bannock County tax lot data indicates that Mr. Wallerstedt owns the property at the proposed point of diversion.

Water Right Validity: Water Right 29-2426B was decreed in 2004. Aerial photos indicate little or no water use on the Wallerstedt property since the early 1990s. In response to a letter from the Department asking for evidence of continuous use, Mr. Wallerstedt provided an affidavit arguing that the non-use of water was due to circumstances beyond his control. The state engineer issued a license for water right 29-2426 on September 21, 1965. The license described 275 irrigated acres. The 275-acre place of use was held under single ownership until 1995, when a 40-acre portion was split off. This 40-acre portion of the right was assigned water right number 29-2426B. The ground water wells were both on the 235-acre parcel described under right 29-2426A. Evidence suggests that the owner of the 40-acre parcel did not have access to the ground water wells. A partial decree for water right 29-2426B was issued by the SRBA Court in 2004. Wallerstedt purchased the property in 2004. He did not have access to the points of diversion listed on the water right and did not have the financial resources to drill his own well. Wallerstedt has established that the non-use of water were due to circumstances beyond his control. Forfeiture is not an issue.

Injury to Other Water Rights: There are no apparent injury concerns. The proposed well is located less than 1/2 mile from the existing wells.

Enlargement of Use: There are no apparent enlargement concerns. Place of use is not changing.

Local Public interest: This transfer is in the local public interest.

Beneficial Use/Conservation of Water Resources: The water will be beneficially used to irrigate pasture for cattle.

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.