

MEMORANDUM

Date: February 2, 2018
To: Transfer 82050
From: Jeff Nield
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for water right 34-14516 to the applicants property located in Lot 10, Block 1, Crows Nest Estates Subdivision. Place of use will not change.

Original water right 34-2425 authorized 147 acre of irrigation from a single ground water well. 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 34-14516 has not been irrigated since the date of the partial decree (2002). Applicants raise circumstances beyond their control as a defense to forfeiture. Applicants did not have access to a well to conduct irrigation until they constructed a new ground water domestic well on their subdivision lot. Department has approved POD transfers for other lots in the subdivision based on similar defense to forfeiture arguments.

Authority to File:

Applicant's, Travis & Amber Back, recently updated the ownership of the water right. Custer County parcel viewer shows the applicants as the owner of the property at the existing place of use and proposed point of diversion. The transfer application was signed by the water right holders.

Injury to Other Water Rights:

Other rights will not be injured by the proposed change. The point of diversion is simply being changed to a location within the same legal description, located on the water right owners property. Neither the place of use nor the quantity authorized to be diverted will change as a result of the transfer. The current and proposed point of diversion locations are within the same ESPA model cell. No ESPA analysis is required. This transfer was advertised and there are no protests. Water Master was notified about the transfer and did not provide comment.

Enlargement of Use:

The proposed change will not result in an enlargement because neither rate, nor volume, nor irrigated acreage will increase as a result of the transfer.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

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.