

MEMORANDUM

Date: January 11, 2018
To: Transfer 81477
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer adds the Three-in-One Canal as an additional point of diversion/redirection for water rights 34-235D, 34-424D, 34-790D, 34-791D. The current point of diversion from the Big Lost River is the B&J Canal.

Authority to File:

The applicant, Randy Purser, has the authority to file. Randy and Michelle Purser were the owners of record for the water rights at the time of transfer submittal. Both owners signed the application. The Big Lost River Irrigation District ("BLRID") manages the pre-transfer point of diversion/redirection, as well as the post-transfer point of diversion/redirection. BLRID consented to the transfer as indicated by an "Agreement for Change of Point of Delivery" included with the transfer. The United States Federal Government, acting through the Bureau of Land Management ("BLM"), owns the property at the new point of diversion/redirection. The BLM consented to the transfer's approval on the condition that the applicant obtain a right-of-way from the BLM.

Water Right Validity:

The water rights are valid. They were decreed in 2002. Review of post-decree aerial photography indicates consistent irrigation of the decreed place of use, with the exception of 6.2 acres in L2(NWNE), Section 5, Township 05N, Range 26 East.

The applicant asserts that he was not able to get his Big Lost River water through the B & J Ditch (originally decreed POD), and has been irrigating using only groundwater. He further claims that his well only pumps enough water to irrigate 141.8 acres of the 148.0 acre decreed place of use. The purpose of this transfer is to deliver Big Lost River water to the place of use through a new point of diversion. The Applicant's defense to forfeiture is acceptable under Section 42-223(6), Idaho Code.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The transfer was advertised and protested by the BLM, who owns the land at the new point of diversion/redirection. The protest was withdrawn as part of a Settlement Agreement. The Settlement Agreement stipulated that two specific conditions be included on each right as part of the Transfer's approval. Those conditions were added to the water rights involved in the transfer. The Water Master for Water District 34 was notified of the transfer and did not oppose its approval.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Rate, volume, nor irrigated acres are authorized to increase. Groundwater right 34-7045D was added to the combined limit that includes all water rights within the 148.0 acre combined place of use. 34-7045D was decreed on 135.5 of those 148.0 acres, and carried a condition which combined it with the five other rights on the 148.0 acres. For an unknown reason, the Transfer Application did not accept 34-7045D as an associated right, so the updated conditions were input in a separate data entry process.

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.