

MEMORANDUM

Date: September 8, 2017
To: Transfer 81856
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use for several irrigation water rights, drying up corners to develop a new pivot.

Authority to File:

The applicant, Magee Group, Inc, has the authority to file.

The Magee Group, Inc, was the owner of the water rights at the time of transfer submittal.

Two of the three groups of overlapping water rights were on property owned by G&L Kimball Family Estate Trust, according to Custer County taxlot data. Instrument No. 631805B, a warranty deed, granted the land covered by those two groups of water rights from G&L Kimball Family Estate Trust to Magee Group Inc. Magee Group, Inc, is registered with the Arizona Secretary of State's Office. Gary Magee is listed as the Director. Gary Magee signed the application.

Water Right Validity:

The water rights are valid for transfer.

The rights were all decreed in either 2001 or 2002.

An affidavit signed by Gary Kimball, included with the application, declares that the water right places of use proposed for transfer were irrigated in 2013 and 2014. Department records indicate that Gary Kimball was the owner of the water rights during those years. Given this baseline, post-decree aerial photography indicates consistent irrigation of the place of use proposed for transfer.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer.

The transfer was advertised and no protests were recieved.

The Watermaster for Water District 34 was notified of the transfer and did not comment.

ESPAM modeling was not required. Points in adjacent ESPAM grid cells are up to 2.84 miles (15,000 ft) away from each other. The distance of the pre-transfer point of diversion farthest from the post-transfer point of diversion is 1.52 miles; if the model cells were shifted, the points would be in adjacent cells.

Enlargement of Use:

No enlargement of use will result from this transfer's approval.

Rate, volume, nor irrigated acres are authorized to increase.

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.