

MEMORANDUM

Date: May 9, 2017
To: Transfer 81528
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the point of diversion for right 22-14208 from the Bell McCracken Ditch to the Sorensen Ditch.

Authority to File:

The applicant, Vest Family Ltd. Partnership, has the authority to file.
The applicant is the owner of the water right per Department records.
The applicant's attorney, Robert Harris, signed the application.
The new point of diversion is an established ditch with a prescriptive easement. According to Department records, the applicant is the owner of the majority of the pre-transfer rights diverted out of the Sorensen Ditch.

Water Right Validity:

The water right is valid. It was decreed in 2009.
Review of post-decree aerial photography at the place of use indicates that forfeiture is not an issue.

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 1 was notified of the transfer and did not oppose its approval.
Mr. Harris indicated in his cover letter accompanying the transfer application that the applicant has tried unsuccessfully for many years to have the water right diverted through the Bell McCracken ditch.
On 5/22/2017, I spoke with Lori Ringel, the owner of property covered by water right 22-389, also diverted from the Bell McCracken Ditch. Mrs. Ringel stated that the owners of right 22-14208 have not diverted the right through the Bell McCracken Ditch for over 15 years.
Given the physical absence of right 22-14208 from the Bell McCracken Ditch for well over a decade, the change in the water right's point of diversion will not impact the other water rights in the Bell McCracken Ditch.

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.