

MEMORANDUM

Date: December 6, 2016
To: Transfer 80350
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the point of diversion and adds a point of diversion for groundwater rights 34-2436 and 34-10621. It also changes the place of use for rights 34-2436, 34-874, 34-10621, and 34-13578.

Authority to File:

The applicants, Brett or Trudy Williams, have the authority to file. Brett Williams signed the application. According to the Department's database, the applicants are the owners of the water rights with an "or" name connector. Brett Williams owns the land from and onto which the water rights are being moved, according to Custer County taxlot data. Brett Williams owns all of the property in the legal descriptions for the post-transfer groundwater points of diversion.

There is some ambiguity as to the actual legal description of the well described in IDWR's database as Lot 2 (SWNW) Section 18, T06N, R26E. A review of aerial photography indicates that the well might actually be in the SENE of Section 13, T06N, R26E, on land owned by Albert Fullmer. However, the location of the well in Lot 2 (SWNW) of Section 18 has been in IDWR's database since the licensing of right 34-2489 in April 1974. Currently, Brett Williams and Albert Fullmer own active rights out of the well, both with the original legal description. In the interest of cohesiveness, the well's location in Lot 2 (SWNW) of Section 18 will remain on rights 34-2436 and 34-10621.

Water Right Validity:

The water rights are valid and were decreed in 2001. Aerial photography demonstrates that the rights have been used at the place of use configuration as proposed in this transfer since 2004.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The amended transfer was advertised and no protests were received. The Watermaster for Water District 34 was notified of the transfer and did not oppose its approval. The post-transfer groundwater points of diversion are in adjacent ESPAM2 model cells to the pre-transfer point of diversion, therefore an ESPAM2 simulation of the transfer was not necessary.

Enlargement of Use:

No enlargement of use will occur as a result of this transfer. Rate nor irrigated acres are authorized to increase. Explicit volume limitations of 3.5 acre feet per acre, the local field headgate requirement, were added to the groundwater rights.

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.