

MEMORANDUM

Date: August 22, 2016
To: Transfer 81010
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer rearranges the place of use and adds a new point of diversion to groundwater right 34-2489. Right 34-2489 will be stacked with nine Big Lost River rights, which are included in companion Transfer 81011. Together the transfers create a 176-acre place of use for all of the water rights. Water right 34-2489 will be limited to the irrigation of 149 acres within the 176 acre place of use.

Authority to File:

The applicant, Brett Williams, has the authority to file. At the time of transfer submittal the rights were in the names of Leon L or June T Williams. A certificate of death and will, included in the file for Transfer 81011, left all water rights to Brett Williams. As a result of that will, the water right ownership was updated as part of this transfer.

Custer County taxlot data indicates that Brett Williams owns all of the property onto which the water rights are being rearranged, with the exception of 2 acres in Section 19. Those acres are owned by Loy and Lana Pehrson. An "Authorization to Apply Water Rights" is included in Transfer 81011, allowing Brett Williams to place his water right on their land.

Brett Williams owns the land at the new point of diversion.

Water Right Validity:

The water right is valid. It was decreed in 2001. Review of post decree aerial photography indicates consistent irrigation as proposed in this 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 received. The watermaster for water district 34 was notified of the transfer and did not oppose its approval. The proposed POD is in an adjacent ESPA model cell to the current POD.

Enlargement of Use:

No enlargement of use will occur as a result of this transfer.

This groundwater right was stacked with eight surface water rights. Upon transfer approval, it will be stacked with split portions of those water rights, and right 34-253A, as described in transfer 81011. Additional rate, volume, nor irrigated acres are authorized as part of this transfer.

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.