

MEMORANDUM

Date: May 27, 2016
To: Transfer 80855
From: Kerrie Mathews
Re: Transfer Evaluation

Transfer No. 80855 proposes to change the nature of use of a two acre portion of water right 22-14025 and move this portion to a new point of diversion and a new place of use. The nature of use will change from irrigation to wildlife storage. The applicant proposes to divert ground water to supplement the in-stream storage requirements of a habitat improvement project that occurred in 2011. The water right is currently leased to the Water Supply Bank. Once the transfer is complete the new owner will submit an ownership change to update the split portion.

Authority to file:

The water right is currently in the name of Gary and Shannon Summers. A portion of the current place of use is in the name of The Kathy Kilgallon Revocable Trust. The transfer application contained a grant deed from Kilgallon Trust to Gary and Shannon Summers releasing interest in the water right. The water right in its entirety is leased to the Water Supply Bank. The Bank was informed of the transfer request, and requested that the Department inform the new owners that this right cannot be used until it has been released from the water supply bank.

Validity of the Water Right:

Water right 22-14026 was decreed on November 24, 2008. Aerial photography does not show consistent irrigation. However, the water right was placed in the water supply bank on November 30, 2013 and is therefore protected from forfeiture.

Injury to Other Water Rights:

No injury to other water rights was identified. The application was advertised, no protests were received. The water master for WD01 was notified of the transfer and did not oppose the transfer.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.