

MEMORANDUM

Date: June 9, 2016

To: Transfer 80609

From: Michael Holliday

Re: Review & Evaluation of Sufficiency of Information

The applicant's original application was filed to add a point of diversion to ground water rights 34-14334 and 34-14335. However, after the application was advertised, the application was amended in order to rearrange the place of use for those rights as well as three associated Big Lost River rights. In order to reflect the current standard, the applicant also proposed to change the current points of diversion by removing the 10-acre tracts from the legal descriptions. Because no change is proposed to the physical location of the existing points of diversion, it is not necessary to re-advertise the application.

The subject rights are a 194.5 acre split portion of parent rights 34-13751, 34-13753, 34-13755, 34-13757 and 34-13759, which were appurtenant to 197.5 acres prior to a 2013 ownership change. The remaining 3 acre portion of the ownership change (which retained the parent water right numbers), contained some clerical errors, and the ten resulting splits erroneously included combined limits for all ten rights. Therefore, the five water rights on the 3 acre portion were brought into the transfer as associated rights in order to correct the clerical mistakes and combined limits.

Associated right 34-13757 correctly showed 0.01 cfs for irrigation use, but the total rate showed 0.06 cfs even though there are no other authorized uses on the water right. Associated right 34-13759 showed the correct acre limit of 0.6 acres, but mistakenly listed 0.6 acres as the total acreage. The correct total is 3 acres. These clerical errors were corrected in the transfer approval document. Also, the combined limit conditions for the transferred rights and associated rights were split proportionately in order to prevent enlargement.

Authority to File:

Department records show the applicant as the current owner of the rights to be transferred, and Custer County tax lot data show the applicant as the owner of the proposed place of use. The applicant provided a warranty deed which confirmed his ownership of the additional point of diversion.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 1998, and aerial imagery confirms regular irrigation of the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

An ESPA model run is not required because the proposed well is located within the same model cell as the centroid of the two current wells. Other rights will not be injured by the proposed change because the quantity authorized to be diverted will not change as a result of the transfer. The application was advertised and no protests were filed. Also, the Water District 34 Watermaster reviewed the application and did not oppose its approval.

Enlargement of Use:

Small changes are proposed to the place of use, but the total acreage authorized to be irrigated will not change. The proposed changes will not result in enlargement because the total acreage, diversion rate, and volume authorized for irrigation under these rights will not increase.

Local Public Interest:
No issues identified.

Beneficial Use / Conservation of Water Resources:
No issues identified.

Effect on Economy the Local Area:
No issues identified.

Effect on Agricultural Base of the Local Area:
No issues identified.

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.