

MEMORANDUM

Date: May 10, 2016
To: Transfer 80910
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to create a 434.1-acre combined place of use for water rights 74-50B, 74-1129 and 74-2210. Right 74-50B is limited to 152.7 acres. Right 74-2210 is limited to 233.1 acres. Right 74-1129 covers the entire 434.1 acre place of use. Water rights 74-50B and 74-2210 overlap with right 74-1129, but do not overlap each other.

Water rights 74-50B and 74-2210 are from Little Timber Creek and are somewhat junior compared to other rights on the creek. Water right 74-1129 is diverted from springs tributary to sinks and is not regulated against the Little Timber Creek priority dates. By mid-summer, water right 74-1129 constitutes the primary supply of water to the irrigated acres. For that reason, combining the rights onto a 434.1-acre place of use does not constitute an enlargement. The rights with acre-limits are the more junior, less-reliable rights.

Authority to File:

James and Paula Whittaker are the current owners of record for all three of the water rights. The property at the proposed place of use is owned by Whittaker Two Dot Land LLC. Paula Whittaker is a member of the company and James Whittaker is the registered agent. The Whittakers do not want to update ownership of the water rights at this time.

Water Right Validity:

Water rights 74-50B and 74-2210 were decreed in 2007. Water right 74-1129 was decreed in 2011. The acres described under the water rights have not been fully irrigated every year. However, the junior nature of the Little Timber water rights and the limited flow from the spring source does not support full irrigation in most years. Whittakers divert and use all water that is available under the three rights.

Injury to Other Water Rights:

No apparent injury issues. Points of diversion are not changing. Watermaster was notified of transfer and did not provide comments.

Enlargement of Use:

As described above, there are no enlargement issues.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

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.