

MEMORANDUM

Date: April 20, 2015
To: Transfer 79922
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the POU and POD for rights 34-13865, 34-13868, 34-14404, 34-14406, and split portions of rights 34-14403 and 34-14405. It also updates the ownership of all of the transferred rights to Mackay Land Company.

Authority to File:

The Applicant, Mackay Land Company, LLC, has the authority to file. At the time of the transfer's submittal, the owners of the water rights were either Dianna Baxter, or Cottonwood Grove Ranches, LLC. Dianna Baxter, a signatory on the application, is a registered agent for Cottonwood Grove Ranches, LLC, according to the Idaho Secretary of State's website. The water rights were moved from land owned by Dianna Baxter to land owned by Mackay Land Company, LLC, according to Custer County taxlot data. Mark Scheu, a registered agent for Mackay Land Company, LLC, according to the Idaho Secretary of State, was a signatory on the transfer application. An attached agreement of sale grants Mackay Land Company, LLC, the water rights,

Water Right Validity:

The water rights are valid. They were all decreed in 2002. Water rights 34-13865 and 34-13868 were involved in a Temporary Transfer in 2014. Landsat photography indicates irrigation at the POU described in that temporary transfer. Rights 34-14404, 34-14406, 34-14403, and 34-14405 are valid under Section 42-223(6), Idaho Code. The ditch that delivered these right was used by a group of neighbors that shared conveyance losses. Those neighbors have since moved to using groundwater rights which cover the same property as their surface water rights. The applicant does not have groundwater rights. With no one to share the conveyance losses with, the applicant could not get enough water to his POU.

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 was notified of the transfer and did not oppose it.

Enlargement of Use:

No enlargement of use will result from this transfer. No additional rate or irrigated acres are authorized.

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.