

MEMORANDUM

Date: January 20, 2015
To: Transfer 79762
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer creates a new 75-acre pivot by combining water rights 34-14040, 34-14042, and split portions of 34-14041 and 34-14043. The new pivot will have a new groundwater POD.

Authority to File:

The applicants, Mackay Land Co. and NoTellum Creek Ranch, have the authority to file.

The signatory on the application, Mark Scheu, is a managing member of both corporations according to the Idaho Secretary of State's website.

According to Butte County taxlot data, Mackay Land Co. or No Tellum Ranch owns all of the land at the current and proposed POU's and at the new POD.

According to the Department's database, either Mackay Land Co. or No Tellum Ranch owned each of the water rights at the time of transfer submission. As part of this transfer, the ownership of the split portion of rights 34-14041 and 34-14043, was updated from No Tellum Ranch to Mackay Land Co.

Water Right Validity:

The water rights are valid.

They were all decreed in 2001. Review of post-decree aerial photography indicates consistent irrigation.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer.

No ESPA analysis is required because the existing POD and proposed POD are in adjacent ESPA model cells.

The transfer was advertised and no protests were received.

The Watermaster did not oppose approval of the transfer.

Enlargement of Use:

Enlargement of use will not occur as a result of this transfer.

This transfer does not authorize an increase in rate, volume, or irrigated acres.

At the time of transfer submittal rights 34-14042 and 34-14043 had acre limits that were erroneous. The acre limits were created during a 2004 ownership change which split right 34-2369 into 34-2369 A&B, and carried forward when 34-2369 A was split into 34-14042 and 14043. The acre limits on 34-14042 and 34-14043 and their split portions were dropped in 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.