

MEMORANDUM

Date: December 4, 2014
To: Transfer 79698
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer creates a 197.4 acre permissible place of use for six water rights. The transfer application requested a 199.4 acre PPU, however, it proposed 41 acres each in the SWSE and SESE of Section 25, T07N R24E. Those quarter-quarter sections contain only 40 acres, therefore the 199.4 acre proposed PPU was reduced by two acres.

The transfer also adds points of diversion to each groundwater right so that each can be taken out of either of two already existing wells. Finally, the transfer changes points of diversion by dropping 10-acre designations on all water rights in the transfer.

Authority to File:

The Applicant, Magee Family Trust, has the authority to file.

The Magee Family Trust is the owner of all six water rights, according to the Department's database. Either the Magee Family Trust or Francis Magee own all of the land onto which the PPU is to be created, according to Custer County taxlot data. Francis Magee is a trustee of the Magee Family Trust according to warranty deeds supplied with the transfer.

Francis Magee signed the application.

Water Right Validity:

The water rights are valid.

They were all decreed at various times between 2001 and 2008. 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's approval.

No points of diversion are proposed to be physically changed.

The transfer was advertised and no protests were received.

The watermaster for Water District 34 indicated that he did not oppose the transfer.

Enlargement of Use:

No enlargement of use will occur as a result of this transfer.

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

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.