

MEMORANDUM

Date: October 31, 2013
To: Transfer 78842
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information

This transfer application has two proposals: First, water from WR# 34-14104 will be sold to JAM Exploration and moved from its current POU and combined with rights 34-644B, 34-10690, 34-13925, and 34-13928, to create a place of use totaling 201.6 acres. The property to which the water will move is owned by JAM Exploration. The POD will remain the same. Second, the transfer proposes to change the POD for water right 34-13928 from the SWNW of Section 7, 06N 25E, to an existing pump in the SWNE of Section 12, 06N 24E.

Authority to File

The applicant is the current owner of water rights 34-13928, 34-644B, 34-10690, and 34-13925 per IDWR records. 34-14104 is owned by Lance Rosenkrance, however, an agreement of sale attached to the transfer stipulates Rosenkrance's agreement to sell the right to JAM Exploration, LLC, upon approval of the transfer by the department; both parties signed the agreement to sell. James Milgard is the current owner of the proposed place of use per Custer County tax lot data (updated 8/21/2012); James Milgard is the current registered agent for JAM Exploration, LLC, according to the IDSOS website.

Water Right Validity

All of the rights have been decreed. Rights 34-644B, 34-10690, 34-13925, and 34-13928 were decreed in 2001, and right 34-14104 was decreed in 2002. Review of post-decree aerial photography indicates regular use of all rights. No portion of any of the rights appears to have been lost due to forfeiture.

Injury to Other Water Rights

The POD and POU transfer proposals did not require a simulation of the Eastern Snake Plain Aquifer model, and therefore are presumed to have little or no effect on other water rights. Further, the transfer proposal was advertised and no protests were received. Finally, the Water Master for Water District 34 does not oppose the transfer.

Enlargement of Use:

The proposed changes will not result in an enlargement of use. Rate, volume, nor acreage will increase as a result of this transfer.

Local Public Interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

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.