

## **MEMORANDUM**

**Date:** December 6, 2024

**To:** Transfer 89474

**From:** Michael Holliday

**Re:** Review & Evaluation of Sufficiency of Information

### **Authority to File:**

According to IDWR records, the applicants are the current owners of the 13 water rights included in the transfer. Documentation from the Kansas Secretary of State confirms that two of the signers are authorized to sign on behalf of Nichols Land LLC. Custer County parcel data show that the applicants are the owners of both the current and proposed places of use.

### **Water Right Validity:**

All 13 water rights were decreed in the SRBA in 2001. They were also included in transfer 78547, which was approved in 2013. Aerial imagery shows that most of the current place of use is regularly irrigated. There are some acres under the current shape file (the pivot corners in section 18 and part of the NWSW of section 17) that do not appear to have been irrigated for 5 years or more. However, there are an equal number of acres on the applicants' property that appear irrigated under the current delivery system (SESW Sec 8 and NESE Sec 17) but are not covered by the current water right shape file. This transfer simply rearranges the irrigated acres within the existing parcels. Forfeiture is not an issue.

### **Injury to Other Water Rights:**

Other water rights should not be impacted by the proposed transfer. The points of diversion are not changing, and the place of use is simply being rearranged in the vicinity of the current place of use. Only the legal description of the POU will change. Because the transfer will have no hydrologic impact, public notice is not required.

### **Enlargement of Use:**

The proposed changes will not result in enlargement because the authorized diversion rate and acreage will not increase as a result of the transfer.

### **Local Public Interest:**

No issues identified.

### **Beneficial Use / Conservation of Water Resources:**

No issues identified.

### **Effect on Economy the Local Area:**

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.