

MEMORANDUM

Date: December 21, 2023
To: Transfer 88633
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer application proposes to change the place of use for water rights 34-7149, 34-7181, 34-7225, and 34-12421. These rights will be stacked and combined with water rights 34-13414 and 34-10680 over part of the proposed place of use and water rights 34-14930 and 34-14931 over the remainder of the proposed place of use.

Authority to File:

The applicant, Larry Quist, has the authority to file. He is the current owner of record for the water rights. Water rights 34-14930 and 34-14931 are split portions of water rights 34-13413 and 34-10315, created through an ownership change filed by Larry Quist at the same time as the transfer application. The transfer application proposes to move water rights 34-7149, 34-7181, 34-7225, and 34-12421 off land that is owned by Sunset Farm & Ranch, LLC, according to Butte County taxlot data. Quist owns the water rights separate from the land, pursuant to a court order settling the estate of Quist's parents. The applicant owns the entire proposed place of use according to Butte County taxlot data.

Water Right Validity:

The rights are valid for transfer. They were decreed variously in 2000 and 2001. The proposed place of use covers 392 acres. Water rights 34-7149 and 34-7335 are very junior rights from the Big Lost River and are rarely available. Water rights 34-7181 and 34-12421 are diverted from the Quist Exchange Well but are only allowed to receive water after the original right in the Quist Exchange Well is satisfied. In spite of these limitations, aerial imagery shows that at least 392 acres have been irrigated under the original place of use for the four water rights. The rights were recently moved to ground that has not been historically irrigated. The rights are valid for transfer.

Injury to Other Water Rights:

No other water rights will be injured as a result of the approval of this transfer. The points of diversion will not change. The Watermaster for Water District 34 was notified of the transfer and did not provide a comment.

Enlargement of Use:

The use of water under the water rights will not be enlarged through this transfer. The irrigated acres authorized under the four rights will decrease from 495 to 392. The total annual diversion volume authorized under the four rights will be reduced, from a combined 1,675 acre-feet to 1,372 acre-feet (3.5 af/acre x 392 acres).

Water rights 34-7149, 34-7181, 34-7225, and 34-12421 carry a combined rate limit of 9.78 cfs. This equates to 0.02 cfs/acre. This limit of 0.02 cfs/acre will be carried forward on the reduced acres. All water rights combined will be limited to a diversion rate of 7.84 cfs (0.02 cfs/acre x 392 acres). Combined rate and volume limits involving associated rights 34-10680 and 34-13414 (combined both pre-transfer and post-transfer) and 34-14930 and 34-14931 (combined post-transfer) have been updated to prevent enlargement of the water rights.

Water right 34-12421 is a 95-acre enlargement of water right 34-7181 (400 acres). Because the total authorized acres (392 acres) will drop below the acre limit of the base right (34-7181), there is no longer the need for the enlargement right (34-12421). Water right 34-12421 does not provide any additional diversion rate. The transfer approval will note that water right 34-12421 is no longer a valid right.

Water rights 34-7149 and 34-7225 are very junior rights from the Big Lost River. Each right is limited to 0.02 cfs per acre. The two rights, combined, cover 459 acres. Because the place of use is being reduced to 392 acres, the most junior right (34-7225) will be reduced by 67 acres and 1.34 cfs to account for the reduction.

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.