

## MEMORANDUM

**Date:** March 5, 2024  
**To:** Transfer 88811  
**From:** Jake Nebeker  
**Re:** Review & Evaluation of Sufficiency of Information

The purpose of the transfer is to change the place of use for the thirteen rights included in this transfer. A mistake was made in the application and subsequent approval of Transfer 87389 (approved in 2023). A 120-acre pivot within the place of use located at T04N R25E Sec 26 was described in the NE1/4 when it should have been in the SW1/4. This application proposes to move the pivot from the SW1/4 of Section 26 to the SE1/4 as a result of a recent land swap with a neighboring property owner, eliminating the need to correct the error in Transfer 87389. The SW1/4 of Section 26 will not be irrigated. The pivot was never installed in the SW1/4 so there is no irrigation infrastructure to remove.

### Authority to File:

The applicant is the current water right owner of record. A warranty deed was provided by the applicant showing their ownership of the proposed place of use. The applicant has authority to make the change.

### Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 2000, 2001, 2002 and 2004. The rights included in this transfer were approved in transfer no. 87389 in 2023. Forfeiture does not appear to be an issue.

### Injury to Other Water Rights:

Other rights do not appear to be injured by the proposed change. The place of use is simply being rearranged in close proximity to the current place of use. Neither the points of diversion nor the quantity authorized to be diverted will change as a result of the transfer. The water master was notified but did not provide a comment. Since it is clear that the proposed change will not adversely impact other water rights, this application will not require public notice.

### Enlargement of Use:

The proposed change does not appear to result in enlargement because neither rate nor volume nor irrigated acreage will increase as a result of the transfer. The place of use for the transferred rights are simply being rearranged.

### Local Public interest:

No issues identified.

### Beneficial Use/Conservation of Water Resources:

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.