

MEMORANDUM

Date: July 18, 2024
To: Transfer 89022
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This application proposes to change the place of use and point of diversion for a combined 8.5-acre portion of stacked rights 34-14869, 34-14870, 34-14871, and 34-14872. The rights, in combination, authorize 9.7 acres. The applications proposes to change the 8.5 acres owned by the applicants.

Authority to File:

The applicant, Dale and Colleen Huffaker, are the current owner of record for the water rights. Huffaker sold 1.2 acres under the water rights in recent years. This transfer only change the portion of the water rights appurtenant to the Huffaker property. Huffaker owns the pre- and post-transfer places of use and the post-transfer point of diversion, according to Custer County taxlot data. The application was signed by Huffaker.

Water Right Validity:

The water rights were decreed in 2001. There is no evidence that the water rights have been used since 2006. The applicants purchased the property in 2006 (see ownership change documents in the backfile) and, upon purchase, lost access to the existing well, which is located approximately 1/2 mile to the northeast on a separate property. Due to financial constraints, they were unable to drill a new well until they filed the transfer. Additionally, the original ditches delivering Big Lost River rights from the Burnett Ditch, 1.4 miles to the north, were destroyed by changes in irrigation practices that appeared to occur variously between 1999 and 2011, according to aerial photography. One of the Big Lost River rights bears a 1903 priority and is rarely available. The other Big Lost River right is not sufficient to irrigate the place of use, once shrink is deducted. Applicant's argue that these are circumstances beyond their control. The Department does not have clear and convincing evidence of forfeiture at this time.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The transfer was advertised and no protests were received. The Watermaster of Water District 34 was notified of the transfer and did not comment.

Enlargement of Use:

No enlargement of use will result from the approval of this transfer. Rate, volume, nor irrigated acres are authorized to increase.

Conservation of Water / Local Public Interest: 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.