

MEMORANDUM

Date: August 19, 2024
To: Transfer 89267
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to correct the legal description of the place of use and point of diversion for right 21-12380. No physical change will occur. Ownership will be updated in the transfer.

Authority to File:

Right 21-12380 was decreed in the SRBA. The POU and POD were claimed and decreed in the SWSW Sec 36 T08N R44E. However, the parcel straddles a Township line and aerial imagery clearly shows that the parcel historically included domestic use in Lot 4 Sec 1 T07N R44E also. Based on the map and my conversation with the applicant, the well is located in Lot 4 too.

IDWR records currently show the water right in the name of Gerald and Lila Thomas. The applicant provided a copy of a warranty deed conveying the property and appurtenances to the applicant. The applicant is owner of the right and has authority to file the transfer. The transfer application included a certificate of organization to show that David Magruder has signature authority.

Water Right Validity:

Right 21-12380 was decreed in the SRBA in 1999 for domestic use for 2 homes. Aerial photos reveal domestic use on the property. About 0.4 acres of lawn are being watered and there are several buildings on the property. There is no evidence available to IDWR that would indicate five consecutive years of nonuse of the water right. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be impacted by the proposed transfer. There will be no physical change to either the POD or the POU. Only the legal description of the POD and POU will change. Because the transfer will have no hydrologic impact, public notice will not be required.

Enlargement of Use:

The proposed changes will not result in enlargement because water use 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.