

## MEMORANDUM

**Date:** April 10, 2025  
**To:** Transfer 89572  
**From:** Jake Nebeker  
**Re:** Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the place of use and point of diversion for a 3-acre split portion of water right 15-7037.

### Authority to File:

The applicant included a notice of change in water right ownership with the transfer application. However, the escrow agreement document included with the application does not demonstrate sufficient evidence of ownership to update the records in the transfer approval. Applicant can pursue an ownership change after the deed is executed for the water right. Adam and Patty Carter are the current owners of the water right. Carters own the current place of use for water right 15-7037. Application included a purchase and sale agreement between the Carters and the applicant for a 3-acre portion of water right 15-7037. Applicant has the authority to make the change consistent with the purchase and sale agreement.

### Water Right Validity:

The right included in this transfer was licensed in 2014. Review of 2015, 2017 and 2019 shows growing vegetation on the current place of use. Forfeiture does not appear to be an issue.

### Injury to Other Water Rights:

The quantity authorized to be diverted will not increase as a result of the transfer. Review of ground water depth data in the Malad Valley shows a stable aquifer over the past several years. This stability coincides with historically high snowpack years, including a record high year for that area. All data considered; other rights do not appear to be injured by the proposed change. Since this water right is not within a water district, no water master was contacted. The transfer was advertised without protest.

### 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 this transfer. 25 shares from the Samaria Lake Irrigation Co. overlap 75.2 acres of the current water right, on the east side of the Samaria Lake Canal which bisects the property. The current water right has a condition stating, "Use of this right is combined with 25 shares from Samaria Lake Irrigation Co.". The canal company provided a comment mentioning that these shares have not been associated with the current place of use since 2008. The 3-acres being transferred were not overlapped by the irrigation company shares.

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.