

MEMORANDUM

Date: June 17, 2025
From: Cooper Fritz
Re: Evaluation of Transfer 89783

This transfer corrects the erroneously decreed place of use for right 34-625. The existing (erroneous) place of use is on barren hillsides on land managed by the US Forest Service. Because the correct place of use is much smaller than the erroneous place of use, the application proposes to reduce water right 34-625 to match the acres actually irrigated with the right. Further, the applicant completely abandoned associated water right 34-10168, which was also decreed to the wrong place of use, because the junior right and irrigated acres are no longer needed.

Authority to File:

Kevin and Patricia Michels, the applicants, have the authority to file this transfer. At the time of submittal, the water right was owned by Herb Whitworth, Jr., and was decreed on Homestead Entry Survey (HES) No. 507 according to its conditions. In January 2024, ownership of HES No. 507 transferred from Herb Whitworth to Whitworth Copper Basin, LLC (Quitclaim Deed No. 265156). In February 2024, the property was conveyed to the Michels (Warranty Deed No. 265158). Both deeds are silent regarding the water right, indicating that it remains appurtenant to the land. Ownership of the right will be updated to reflect Kevin and Patricia Michels, who also signed the application.

Water Right Validity:

The water right is valid for transfer. It was decreed in 2002 with the wrong place of use. According to its Conditions of Approval, the right has always been used on Homestead Entry Survey (HES) No. 507. However, it was mistakenly decreed on surrounding Salmon-Challis National Forest land. This transfer corrects that error. A review of post-decree aerial photography confirms consistent irrigation of the post-transfer place of use. This is supported by Google Earth imagery (last updated in 2017) and Landsat satellite data (Path 040, Row 029), which show vegetative activity on two randomly selected dates: June 18, 2020, and July 21, 2023.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. No physical changes are occurring. The Watermaster for Water District 34 was notified on the transfer and did not comment.

Enlargement of Use:

No enlargement of use will result from the approval of this transfer. As a result of the transfer, irrigated acres and rate are decreased compared to decreed amounts. Overlapping right 34-10168 was abandoned concurrent with the approval of this transfer.

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.