

MEMORANDUM

Date: August 26, 2025
To: Transfer 89926
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

Right 74-157 has been the subject of a long-running dispute between the applicant and another water user. The dispute was recently resolved. This transfer was filed to bring water right 74-157 in line with the terms of the settlement. The applicant seeks to add an explanatory condition, remove a point of diversion, correct the legal description of the remaining point of diversion, and clarify the tributary.

Authority to File:

IDWR records show the applicant as current owner of water right 74-157. The physical point of diversion and place of use will not change in the transfer. The proposed point of diversion is located on land owned by Whittaker Two Dot Land LLC. The Idaho Secretary of State website shows the applicant as manager and registered agent of the LLC. The transfer was signed by the applicant's attorney.

Water Right Validity:

Right 74-157 was decreed in the SRBA in 2012. Aerial photos show regular irrigation of the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Water right 74-157 currently lists 2 points of diversion from 2 distinct groups of springs tributary to Lee Creek. A field exam conducted by the Water District 170 Watermaster in 2020 revealed that the west springs are tributary to Stroud Creek, which is tributary to Lee Creek. The west springs source and point of diversion are proposed to be removed from the water right, which could be done without a transfer.

However, during the 2020 field exam the east springs were found to be tributary to sinks. Idaho Code 42-222 does not provide for a change in source. While the legal description of the east springs point of diversion is proposed to be changed, the physical location of the diversion and the source will not change. The tributary will simply be clarified as "sinks" in order to accurately reflect the findings of the field exam. Other water rights will not be impacted by the transfer. The application was advertised, and no timely protests were filed. The Water District 74Z Watermaster was notified of the transfer but did not provide comment.

Enlargement of Use:

The quantity authorized to be diverted under the right will not increase, nor will the number of acres authorized to be irrigated. Right 74-157 is currently stacked with seven other water rights. A combined limit condition was added to the right in order to prevent enlargement.

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.