

MEMORANDUM

Date: August 1, 2025
To: Transfer 89891
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use for 21 acres of overlapping rights 34-228A, 34-360C, 34-856G, and 34-14835. This change reflects a practice that began in 2017.

Authority to File:

The applicants, Debbie Ellwein (an individual) and the Melvin J. Ellwein Testamentary QTIP Trust, have the authority to file.

The water rights were owned by Melvin J. Ellwein at the time of transfer submittal, according to Department records.

Debbie Ellwein owned the pre-transfer places of use and some of the post-transfer place of use, while the Lost River Valley Mennonite Church, Inc. ("the Church") owned the remainder of the post-transfer place of use, according to Butte County taxlot data. A "Consent to Water Right Transfer" signed by Jonathan Towes, Deacon of the Church, authorized the placement of the water rights on the Church's property and acknowledged that the Church holds no legal claim to the water right.

Ownership of the water rights will be updated to reflect the applicants, based on the Personal Representative's Deed (Instrument No. 266715) and supporting documentation included with the application.

Water Right Validity:

The water rights are valid for transfer.

They were decreed in 2002.

Based on the available information, there is no clear and convincing evidence of forfeiture.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer.

The Watermaster of Water District 34 was notified of the transfer and did not respond.

Enlargement of Use:

Approval of this transfer will not result in an enlargement of use.

Rate, volume, nor irrigated acres are authorized to increase.

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.