

MEMORANDUM

Date: November 13, 2025
To: Transfer 90123
From: Jon Davidson
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes changing the point of diversion, place of use, and update water right ownership records for water rights 31-31 and 31-28A. This transfer was filed in response to an unauthorized water use discovered in 2024 (E2024-3007). McCullough Ranch LLC (applicant) is seeking to change the point of diversion and place of use to reflect current irrigation practices and modifications made to the irrigation system. A new point of diversion was installed on Dry Creek approximately 1/4 of a mile upstream from the original point of diversion. Water is now diverted from this new location into a 24-hr regulatory pond, then pumped through a pressurized system to four pivots. The total irrigated acres will be limited to 123 acres. The stock water place of use will match the irrigation place of use.

Authority to File:

Thomas McCullough is the owner of water rights 31-31 and 31-28A per IDWR record. However, per recorded warranty deed, the applicant is now the owner of these water rights. Ownership will be updated through this transfer. The applicant is the current owner of the property at the point of diversion and place of use per warranty deed and Clark County taxlot data. The application was signed by Byron Tavenner, manager of McCullough Ranch LLC.

Water Right Validity:

Water rights 31-31 and 31-28A were decreed in 2002. Aerial imagery available to the Department shows consistent irrigation. Forfeiture is not an issue.

Injury to Other Water Rights:

Transfer application was filed in response to enforcement case E2024-3007. There are no water right points of diversion between the current point of diversion and proposed point of diversion. The application was advertised and was not protested. WD 31 watermaster was notified about transfer application but did not provide any comments. No issues identified.

Enlargement of Use:

Approval of this transfer does not result in an increase in the diversion rate, total volume or total irrigated acres. The approval of this transfer will resolve enforcement case E2024-3007. Water rights 31-31 and 31-28A when combined are limited to 123.0 acres. No issues identified.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

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.