

MEMORANDUM

TO: Transfer No. 89422

FROM: Dave Betts

DATE: 12/09/2025

RE: Evaluation of Application for Transfer

Proposal Summary:

Robert Wortham submitted Application for Transfer no. 89422 on August 9, 2024. Brandon Mackay is the representative for this application.

Water right 61-7459 authorizes the diversion of ground water for stockwater use and for the irrigation of 15 acres. The proposed transfer includes moving the stockwater place of use (POU) from Mr. Wortham's properties to Mr. Mackay's property and moving 14 acres of irrigation POU to be split between three other properties, leaving one acre of irrigation on Mr. Wortham's properties.

The proposed split of the 15 acres of irrigation by landowners is as follows:

Robert Wortham:	1 acre	Parcels RP03S06E129255 & RP03S06E129250
Brandon and Julianne Mackay:	9 acres	Parcel RP03S06E138475
Dennis Crossley:	4 acres	Parcel RP03S06E131255
Brandon and Aubri Johns:	1 acre	Parcel RP03S06E138465

Attachment 7A of the Application for Transfer included a map of the proposed POUs on the properties belonging to MacKay, Crossly and Johns. I drew the shapes for the Department's GIS database based on the information in the application for transfer with some deference to the underlying satellite imagery. The table in the approval documents that lists the number of acres per quarter-quarter section is correct. I was able to review and confirm my drawings of the proposed POUs with Brandon Mackay during his in-office visit on August 8, 2025.

The transfer proposes adding three points of diversion (PODs) to service the POUs on the three other properties. In the application, Wortham and Johns propose using existing wells on their properties, while Mackay and Crossley propose the construction of new wells to serve as their PODs, respectively.

Mackay, Crossley and Johns intend to file Notices of Change of Water Right Ownership after the proposed transfer is approved.

Summary of Information Submitted

Authority to File:

There are no concerns with respect to the authority to file this application.

The Application for Transfer of Water Right No. 61-7459 was filed on August 9, 2024 and signed by the owners of record, Robert and Linda Wortham. Brandon Mackay, the representative for this application, submitted the filing fee.

The application included a page summarizing the proposed diversion works for each property designated as a new place of use (Part 1.B.5.a). Each summary listed the parcel number and noted whether the point of diversion would rely on a new or existing well. Brandon Mackay, Brandon Johns, and Dennis Crossley signed off on their respective portions of the proposed diverting works, with a signature from Robert Wortham at the bottom of that page. Mackay, Crossley, and Johns submitted copies of the deeds for their properties to confirm ownership of the lands pertaining to the proposed POUs. Using Elmore County parcel records, I confirmed the ownership of the properties designated as new places of use.

Water Right Validity:

Water Right no. 61-7459 is presumed valid because of evidence of recent irrigation provided by the application.

The applicants submitted photographs, descriptions, and a map showing rye seed irrigation in 2023 and 2024. In an in-person discussion with Brandon Mackay, the irrigation manager for those seasons, I clarified ambiguities in the Department's satellite imagery and GIS, which had not captured the full 15 acres of irrigation. The discussion, together with the application materials, confirmed the extent of irrigation in 2023 and 2024.

Injury to Other Water Rights:

Injury to other water rights does not appear to be a concern. The proposed changes to the places of use will be limited to the same number of acres of irrigation as was documented in the application for transfer. The proposed new wells are within one mile of the original point of diversion. No additional changes to the water rights are requested through this transfer.

Enlargement of Use:

Enlargement does not appear to be a concern. The quantity of water diverted is to remain the same to serve the same number of acres of irrigation: 15 acres total. The watermaster (Water District 161) has provided the list of approved flow meters to the property owners who will need to install a meter if this transfer is approved.

Local Public Interest:

There is no apparent conflict with local public interest. The types of beneficial uses, irrigation and stockwater, are to remain the same as previously established by this water right. I provided the watermaster with the Application for Transfer and review materials and requested his comments. The watermaster replied on Dec. 2, 2025, stating that he has no issue with this transfer.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

Effect on Economy the Local Area:

No adverse effects to the local economy are expected.

Effect on Agricultural Base of the Local Area:

Proposed changes are not expected to affect the local agricultural base.

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.

Summary

Water Right Overlap

There are no overlapping water rights for irrigation for any of the proposed POU's.

This application for transfer proposes to move the stockwater use authorized by this water right (no. 61-7459) to a new POU. Overlapping Water Right no. 61-10650 also authorizes stockwater use and will remain on Wortham's property.

Mitigation

This water right is not under mitigation

Water Supply Bank

No portion of this right is leased to the Water Supply Bank

Discussion

If approved the following changes should be made to the conditions of Water Right no. 61-7459:

- Add condition 046 because the proposed new PODs are groundwater wells.
- Update condition C18 to T19, which is a standard condition for transfers of water rights that were decreed as part of the Snake River Basin Adjudication.
- Add standard transfer conditions T07 and T08

According to information available at the time of review, the application is consistent with the criteria of Idaho Code § 42-222. Based on the preceding discussion the application should be approved as reflected by the draft approval.