

MEMORANDUM

TO: Transfer Nos. 89916, 89925, 89928, 89933, 89934, & 89935
FROM: Scott Storms
DATE: December 12, 2025
RE: Evaluation of Application

The purpose of these transfers is to unstack water rights 63-35419 and 63-35420 from rights 63-3597F and 63-7156D, and split rights 63-35419 & 63-35420 into 6 portions total, each to be associated with individual parcels within a new subdivision. The transfer also proposes to change to the place of use (POU) for the recently split rights to a specific parcel within the new subdivision and change the point of diversion (POD) to a new well on each individual parcel. Rights 63-3597F and 63-7156D should be added to transfer 89916 as associated rights so that combined limit conditions can be updated to unstack the rights.

Authority to File:

All six applications were submitted by Walker Investments Trust and signed by Robert Walker. A Warranty Deed was submitted with the applications displaying conveyance of the land and appurtenant portions of water rights 63-3597F & 63-7156D to Walker Investments Trust. A notarized acknowledgement was submitted with the application declaring Robert Walker as President of Walker Investments Trust. There are no concerns of authority to file.

Water Right Validity:

The partial decree for water rights Nos. 63-35419 & 63-35420 were issued on 2/6/2009. Both rights were accepted into the Water Supply Bank (WSB) on 6/26/2025 and are currently under lease contract until 12/31/2025. The rights are therefore presumed valid as they are protected from forfeiture while leased into the WSB.

Injury to Other Water Rights:

Although additional wells are proposed, one for each new parcel, the overall total authorized rates, volumes, and acres of irrigation for the split rights will remain the same as the totals found on the parent rights. No injury to other rights is anticipated.

Enlargement of Use:

The rights were originally combined limited by acres and volume with parent rights 63-3597F & 63-7156D. The transfers propose reducing the changed rights to their proportionate share of acres and volume per the combined limits. Calculations are found in the tables below. Should the transfers be approved, the new child rights should no longer carry any combined limits, as the rights will have all been reduced to their proportionate shares, and the combined limits on rights 63-3597F & 63-7156D should be adjusted to only reflect the remaining combination of those two rights. There are no other proposed changes that would cause an increase in rate, volume, or number of acres irrigated, therefore no concerns of enlargement are anticipated.

Local Public Interest:

There are no anticipated impacts to recreation, fish, or wildlife resources nor any local economic impacts. The proposed changes are consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

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

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

The means proposed in the application for unstacking the volume associated with rights 63-35419 & 63-35420 involved taking the volume per acre on the face of the rights and multiplying by the proposed adjusted acres of the rights. This method would have resulted in a total volume amongst all rights of 386.6 af, much less than the original combined limit of 428 af. Ultimately, even after unstacking rights 63-35419 & 63-35420 and adjusting the volumes proportionately, the total adjusted volumes should still add up to 428 af amongst all rights. The table below uses the percentage of the additive volume each right represents, multiplied by the 428 af combined limit, to assign an adjusted volume to each right. By use of this method, right 63-35419 would receive 29.1 af, and right 63-35420 would receive 7.8 af. The total of the adjusted volumes between 63-3597F and 63-7156D equals 391.1 af and would reflect the newly adjusted combined volume limit between those two rights. This method would thereby preserve the overall combined limit of 428 af originally found on all the rights.

Unstacking Adjustments

WR Number	Rate	Acres	Vol	% by Ac	Equiv. Acres	Equiv. Rate	% by Vol	Equiv. Vol
63-35419	0.067	8	32	6.9%	6.6	0.067	6.8%	29.1
63-35420	0.02	2	8.6	1.7%	1.6	0.02	1.8%	7.8
63-3597F	0.65	78.5	312.2	67.7%	64.4	0.65	66.3%	283.6
63-7156D	0.28	27.5	118.4	23.7%	22.5	0.28	25.1%	107.5
Cumulative Total	1.017	116	471.2	100.0%	95.1	1.017	100.0%	428.0
Comb Limit	1.017	95.1	428					

The splitting of rights 63-35419 & 63-35420, as proposed in the applications, not only utilized the overly reduced volumes as were described above, the splitting of the rate for right 63-35419 would total 0.070 cfs when all rights are added together. Right 63-35419, when split from right 63-3597F, was assigned a total rate of 0.067 cfs. The table below displays a means of splitting the rights in a manner where the total adds up to 0.066 cfs, thereby preventing enlargement of the original right.

Split Table

	Acres		Rate		Vol	
	63-35419	63-35420	63-35419	63-35420	63-35419	63-35420
89916	1.4		0.014		6.20	
89925	1.4		0.014		6.20	
89928	1.4		0.014		6.20	
89933	1.4		0.014		6.20	
89934	0.5	0.8	0.005	0.01	2.15	3.90
89935	0.5	0.8	0.005	0.01	2.15	3.90
Totals	6.6	1.6	0.066	0.02	29.1	7.8

If approved the following changes should be made to the conditions of water right no. 63-35419 and its child rights: Add condition 046 because all rights have the ability to drill a new well. Remove X27 as all rights will no longer be within a permissible place of use (PPU). Remove X35 as all rights have now been unstacked and no longer require combined limits. Add T07 & T08 with the specific transfer number referenced. Add a written condition that states “The actual diversion rate for this right is 0.014 cfs” or “The actual diversion rate for this right is 0.005 cfs and actual volume is 2.15 af” on respective rights.

The same condition adjustments should take place on right 63-35420 and its children except for written conditions explaining true rate and volume because the total rates and volumes are within the Department’s rounding standards.

The original parent rights 63-3597F and 63-7156D should be added to one of the transfers as associated rights and the combined limit adjusted to state:

Rights 63-3597F and 63-7156D when combined shall not exceed a total annual maximum diversion volume of 391.1 af for the irrigation of 86.9 acres.

This adjustment to the combined limit reflects the remaining proportion of the original combined limit associated with these two rights, after the child rights have been unstacked.

Assuming protests are not filed and/or other information does not contradict the above analysis, the applications can be approved as reflected by the draft approval.