

MEMORANDUM

Date: February 26, 2026
To: Transfer 90228
From: McKenna Webster
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to update the irrigation place of use and change the point of diversion for Big Lost River water rights 34-12365, 34-459, 35-374B, 34-490 to a new pump on the river. For ground water right 34-14311, only the place of use will be updated; the recreation storage place of use will remain unchanged.

Authority to File:

According to IDWR records, the applicant is the current owner of the water rights included in the transfer. Additionally, Custer County parcel data shows that the applicant is the owner of most of the proposed place of use. Portions of the current place of use overlap parcels owned by individuals other than the applicant. These individuals signed affidavits, for a previous transfer, stating they have no interest in the water rights. The water rights for that previous transfer and this transfer are the same. Portion of the proposed place of use includes land owned by John Lezamis Family Limited Partnership. The application was signed by Robert Shillington who is an authorized signer on behalf of Notch Butte Farms, and John Lezamis.

Water Right Validity:

The water rights were decreed in 2002. Aerial imagery shows irrigation of the place of use for over a decade. Water District 34 watermaster reports also show water being diverted from the Notch Butte Farm well.

Injury to Other Water Rights:

The place of use is being updated to reflect the current irrigation layout. No major change is occurring as this rearrangement is occurring on the same parcels. Because the point of diversion at Sutter Ditch is proposed to be changed, we would need to adjust the rate, considering the conveyance losses. However, it appears that the rate was already reduced in transfer 71233; thus, no additional reduction is necessary. The transfer application was advertised, and no protests were received. The watermaster was notified about the application but did not provide comments. No injury identified.

Enlargement of Use:

The proposed changes will not result in an enlargement because the authorized diversion rate and acreage will not increase as a result of the transfer.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Effect on Economy of the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

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.