

MEMORANDUM

Date: March 18, 2026
To: Transfer 90098
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

This transfer was filed as part of a settlement agreement to resolve a long-running dispute between the applicant and another water user. The applicant seeks to change his point of diversion for rights 74-369, 74-1136, and 74-15788. There are 8 overlapping rights on the place of use. Associated rights 74-338B, 74-349, and 74-1105 were brought into the transfer to add a combined acres condition.

While reviewing this transfer I discovered some internal inconsistencies with enlargement right 74-15788. It included one condition that was not appropriate for enlargements, and another that was clearly unrelated to 74-15788 and only applicable to 74-369. It appears these conditions were erroneously copied into right 74-15788 from right 74-369. Another condition restricted rights 74-369, 74-1136, and 74-15788 to 378 acres when combined. This condition makes no sense because enlargement right 74-15788 would add nothing to rights 74-369 and 74-1136, which together allow for the irrigation of 378 acres without 74-15788. The additional 308 acres from the enlargement is needed to reach the total 686 acres listed on the decree. These inconsistencies will be cleaned up in the transfer.

Authority to File:

IDWR records show the applicant as current owner of the water rights included in the transfer. The applicant seeks to change the point of diversion to one of two points. Both are located about a mile upstream of the current point of diversion on Stroud Creek. One proposed point of diversion is located on land owned by David Tomchak. However, Tomchak protested the transfer, and he is unwilling to grant legal access to the applicant. The second proposed point of diversion is located on Brady Ericsson's land. The applicant provided a document from Ericsson allowing the applicant to construct a new headgate and ditch on the Ericsson parcel. The transfer was signed by the applicant's attorney.

Water Right Validity:

The rights included in the transfer were decreed in the SRBA in 2009. Aerial photos show regular irrigation of the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

There are no other water rights associated with the current point of diversion, and there are no points of diversion between the current and proposed points of diversion. Other water rights should not be impacted by the transfer. The application was advertised and protested, but the protest did not include matters of injury. The protest has since been withdrawn. The Water District 74Z Watermaster was notified of the transfer but did not provide comment.

Enlargement of Use:

The quantity authorized to be diverted under the rights will not increase, nor will the number of acres authorized to be irrigated. Combined limit conditions were added to the rights as appropriate to prevent enlargement.

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.