

MEMORANDUM

Date: July 23, 2026
To: Transfer 90386
From: McKenna Webster
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for claim 11-7086. The claim will be used in combination with water from the Taylor Canal Company. The place of use is 65.5 acres within a 200-acre permissible place of use. A transfer was approved in 2019 (T 83195) for a similar transfer involving a portion of the original groundwater right which was split from 11-7086 in 2012. Regarding water right 11-128, James Cefalo., in an email to the applicant, stated that a comment would be added into the database explaining that the place of use is an error and that the map shape would be deleted.

Authority to File:

One of the current owners of the claim signed the application; a sales agreement was provided stating that the current owners agree to the transfer and eventual change of ownership for the claim included in the transfer. Additionally, Bear Lake County parcel data shows that the applicant is the owner of the proposed place of use. Note that the PLSS grid is distorted slightly due to the proximity to the Idaho-Wyoming border making the point of diversion and place of use appear on land not owned by the applicant. According to deeds from a Transfer in 2004, the well and that portion of land were included in the land sale.

Water Right Validity:

Currently a claim in the BRBA, 11-7086 is based on the water right licensed in 1980. Aerial imagery shows irrigation and cultivation of the place of use for over a decade; the place of use appears very green. Forfeiture is not an issue.

Injury to Other Water Rights:

The transfer application was advertised, and one protest was received. The protest was eventually withdrawn with no conditions. No injury identified.

Enlargement of Use:

The proposed changes will not result in enlargement because the authorized diversion rate and acreage will not increase because of the transfer. Surface water rights from the Thomas Fork cover the current and proposed places of use; the priority dates for these surface water rights are similar. Currently, the ground water claim is stacked with surface water, and it is proposed to be stacked with water from the Taylor Canal at the new place of use. The current place of use will continue to be irrigated with surface water only. No issues identified.

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.