

## MEMORANDUM

**Date:** June 17, 2022  
**To:** Transfer 85968  
**From:** James Cefalo  
**Re:** Review & Evaluation of Sufficiency of Information

This transfer changes the point of diversion and place of use for the stockwater portion of 29-4424. It adds a second point of diversion to the transferred portion. The current source for water right 29-4424 is an Unnamed Stream (also known as Cohn Creek). The proposed points of diversion are two springs tributary to Cohn Creek. The transferred portion will be combined with Permit 29-14466 to provide up to 13,000 gallons per day for stockwater for 1,000 cattle. The transferred portion will provide stockwater when the springs are connected to Cohn Creek at the original point of diversion. Permit 29-14466 will provide stockwater if the springs become disconnected from the original point of diversion.

### Authority to File:

The applicant, Arimo Corporation, has the authority to file. Arimo Corp is the current owner of record for the right and owns the existing and proposed places of use. A portion of the proposed post-transfer place of use was owned by Henderson Ranches, Inc, and were removed from the place of use after consultation with the applicant's representative. That land included everything proposed in Section 26 and the W1/2 SW1/4 of Section 25, T09S R36E. The application was signed by Luke Marchant, an attorney for, and representative of, Arimo Corporation.

### Water Right Validity:

The water right is valid for transfer. It was decreed in 2004. The applicant asserts consistent usage of the water right as part of the transfer application (i.e., question 5g). No evidence available to the Department contradicts that statement. Imagery shows cattle present on the existing place of use.

### Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The transfer was advertised and no protests were received. The source, a spring locally known as Cohn Creek (misspelled as "Chon Creek" in the decree), does not change. The post-transfer points of diversion are approximately 1/2 mile upstream of the original point of diversion. There are no intervening points of diversion.

### Enlargement of Use:

No enlargement of use will result from this transfer's approval. After consultation with the applicant, the transferred stockwater portion will be limited to a diversion rate of 0.02 cfs. The rate of the remaining portion of right 29-4424 ("remaining right") is reduced by the 0.02 cfs. The acres irrigated by the remaining right are not reduced. The acres are combined at their place of use with right 29-4411. This right will be combined with concurrently-approved permit 29-14466 at its post-transfer points of diversion and place of use.

### Local Public Interest / Conservation of Water:

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.