

MEMORANDUM

Date: May 6, 2022
To: Transfer 86139
From: Jared Adamson
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to rearrange the place of use to reflect current irrigation practices and to change the ownership for water rights 73-217, 73-10065, and 73-12166. The water rights were in the ownership of both Hull Farms Inc. and #588 Pioneer Exchange Accommodation Title Holder LLC. Upon approval, Hull Farms Inc. will retain full ownership of the water rights listed in this transfer, removing #588 Pioneer Exchange Accommodation Title Holder LLC as an owner.

Authority to File:

The applicant is the current owner of the water rights and the property for the proposed place of use. Tax Lot data for Custer County has not been updated to show Hull Farms Inc. as the property owner. A copy of the recorded warranty deed showing ownership of the property was submitted to support the application. #588 Pioneer Exchange Accommodation Title Holder LLC was used to facilitate the exchange of title for the property from Circle Pi LLC to Hull Farms Inc. The warranty deed attached to the application shows that the exchange accommodation entity now relinquishes ownership to Hull Farms Inc.

Water Right Validity:

These water rights were decreed in 2011. In review of aerial photography available to the department there is no clear and convincing evidence showing that forfeiture has occurred. Forfeiture is not an issue.

Injury to Other Water Rights:

Injury to other rights will not result from the proposed changes. The rate, volume, and irrigated acres will remain the same. These rights are regulated by WD 73 and the watermaster does not oppose the application.

Enlargement of Use:

The approval of this transfer will not result in an enlargement of a water right.

Local Public interest:

No issue identified.

Beneficial Use/Conservation of Water Resources:

No issue identified.

Effect on Economy the Local Area:

No issue identified.

Effect on Agricultural Base of the Local Area:

No issue 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.