

MEMORANDUM

Date: November 29, 2021
To: Transfer 85239
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use and the point of diversion, and adds points of diversion to, rights 13-7969 and 13-7970. The applicant, Northwestern Band of Shoshone Nation, is proposing to rearrange water rights associated with lands recently acquired to reflect current irrigation practices.

Authority to File:

The applicant, Northwestern Band of Shoshone Nation, has the authority to file. The applicant is the current owner of record for the water rights. Application was signed by Chase Parry, the finance/accounting officer for the Northwestern Band of Shoshone Nation. Some of the pre-transfer place of use was owned by Northwestern Band of Shoshone Nation, while other portions were owned by Bosen Land & Livestock, LLC, according to Franklin County taxlot data. David Bosen, registered agent for Bosen Land & Livestock, LLC, consented to this transfer in a letter included in the Transfer 85241 (filed on right nos. 13-7990 and 13-7991). The post-transfer place of use and points of diversion are owned by the applicant, according to Franklin County taxlot data.

Water Right Validity:

The water rights are valid for transfer. They were both decreed in 1920. Evidence available to department in the form of aerial photography demonstrate consistent irrigation at the decreed place of use.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer's approval. The transfer was advertised and no protests were received. The Watermaster for Water District 13M and did not comment.

Enlargement of Use:

No enlargement of use will occur as a result of this transfer's approval. Neither rate, volume, nor irrigated acres are authorized to increase. 13-939 and 13-940 are rights located within some of the same pre-transfer quarter-quarters as the rights involved in this transfer. An analysis of the two groups of water rights indicated that they did not overlap.

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.