

MEMORANDUM

Date: November 29, 2021
To: Transfer 85241
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use and points of diversion, and removes points of diversion, for right 13-7991, and changes the point of diversion, adds a point of diversion, and changes the place of use for right 13-7990.

Authority to File:

The applicant, Northwestern Band of Shoshone Nation, has the authority to file.
The applicant was the owner of the water rights at the time of transfer submittal.
The pre-transfer place of use was owned by Bosen Land and Livestock, LLC, according to Franklin County taxlot data. David Bosen, registered agent for Bosen Land and Livestock, LLC, consented to the transfer in a letter included with the application.
The applicant was the owner of the post-transfer place of use at the time of transfer submittal, according to Franklin County taxlot data.
The application was signed by Chase Parry, finance/accounting officer for the Northwestern Band of Shoshone Nation.

Water Right Validity:

The water rights are valid for transfer.
They were decreed in 1920.
Evidence available to the Department in the form of aerial photography demonstrates consistent irrigation (e.g. at least once every five years). There is no clear and convincing evidence of forfeiture.
Water is diverted for storage in a reservoir located at ~ 42.135918, -111.930429.

Injury to Other Water Rights:

No injury to other water rights will occur as part of this transfer's approval.
The transfer was advertised and no protests were received.
The Watermaster of Water District 13M was notified of the transfer and did not comment.

Enlargement of Use:

No enlargement of use will result from this transfer's approval.
Rate nor irrigated acres are authorized to increase.

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.