

MEMORANDUM

Date: May 7, 2021
To: Transfer 84859
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer updates the place of use for right 13-2123. This is the first transfer in a series of transfers needed to clean up the water rights that were once part of the Ben Johnson property. Decreed rights and licensed rights created a checkerboard pattern of overlapping rights. This transfer shifts the rights held by Bosen Land & Livestock to the ground irrigated by Bosen Land & Livestock. Other land owners will need to file similar transfers to clean up their places of use or correct the place of use designations in the upcoming BRBA.

Authority to File:

The applicant, Bosen Land & Livestock, LLC, has the authority to file. The applicant was the owner of the water right at the time of transfer submittal, according to Department records. The land from which the water right is being removed, north of the river, is owned by the Northwest Band of the Shoshone Nation, according to Franklin County taxlot data. The Northwest Band of the Shoshone Nation deeded the right to Bosen Land and Livestock, LLC, in a quitclaim deed dated August 7, 2020. It also consented to the transfer in a letter dated August 7, 2020. Both are included in the application. The right had been split into 13-2123 and 13-8058, with 13-8058 being the portion north of the river on the land owned by the Northwest Band of the Shoshone Nation. In preparation for transfer submittal, and based on the documents referenced above, 13-8058 was made inactive and 13-2123's elements were restored to as-licensed. The applicant owns the post-transfer place of use, according to Franklin County taxlot data. The application was signed by David Bosen. David Bosen is the registered agent of Bosen Land & Livestock, LLC, according to the Idaho Secretary of State's office.

Water Right Validity:

The water right is valid for transfer. The water right was licensed in 1979. Evidence available to the department in the form of aerial photography demonstrates consistent use of the water right. There is no clear and convincing evidence of forfeiture.

Injury to Other Water Rights:

No injury will result from this transfer's approval. The Watermaster for Water District 13M was notified of the transfer and did not respond. Because the transfer only proposes to correct the place of use for water right 13-2123, it was processed without public notice.

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.