

MEMORANDUM

Date: July 9, 2021
To: Transfer 84996
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the point of diversion and place of use for a 1-acre portion of right 29-11732.

Authority to File:

The applicants, the Robert L. and Cherlynn G. Fackrell Family Trust, have the authority to file. James and Carol Guthrie are the current owners of record for water right 29-11732. The existing place of use is owned by the City of Inkom. A 2016 Warranty Deed from Guthrie to the City of Inkom, included with the application, severed the water right from the land, reserving water right 29-11732 from the conveyance. The post-transfer place of use and point of diversion is owned by Robert Fackrell, according to Bannock County taxlot data. An "Agreement for Purchase and Sale of Water Rights," signed by the water right owners, was included in the transfer application. It authorizes the transfer. Ownership will be updated after transfer approval. The application was signed by Randy Budge, attorney for the applicants.

Water Right Validity:

The water right is valid for transfer. It was decreed in 2004. Review of post-decree aerial photography demonstrates consistent irrigation.

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 Watermaster of Water District 29D was notified of the transfer and did not comment.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Rate, volume, nor irrigated acres are authorized to increase. The place of use of overlapping right 29-12265 was also reduced by the 1.0 acres removed by this transfer. This transfer removes all irrigation under this right from the NWNW of Section 27.

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.