

MEMORANDUM

Date: April 30, 2021
To: Transfer 84797
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

The transfer changes the point of diversion and place of use for a 16.6 acre portion of water right 29-14015 and authorizes a 28.3 acre permissible place of use.

Authority to File:

The transfer applicants, Conrad and Adriane Isaak, have the authority to file. The applicants signed the application. They were the owners of the water right at the time of transfer submittal, according to Department records. They were the owners of the pre-transfer place of use, according to Power County taxlot data.

The post-transfer place of use in the SENE of Section 31 is owned by Falls View Cemetery District, according to Power County taxlot data. Application included a Contract of Agreement which authorizes the placement of the water right on Falls View Cemetery District land. Applicant's representative asserts that the Cemetery District owns 1.3 acres of land in the NESE of Section 31. Sufficient evidence of ownership was supplied in the approval of Transfer 82539, authorizing the same permissible place of use for right 29-7906.

Ownership of the right will be updated after transfer approval, according to an Agreement for Purchase and Sale of Water Rights, included with the application.

The post-transfer point of diversion is owned by Idaho Power Company. A License Agreement, included with the application, allows the Falls View Cemetery District to use the point of diversion.

Water Right Validity:

The water right is valid for transfer. It was decreed in 2004. At the time of transfer submittal, the right was leased to the Water Supply Bank ("WSB"). The WSB was notified of the application prior to advertising.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. A simulation of the transfer was performed in ESPAM2.1. It yielded impacts to modeled reaches of the Snake River of less than 2.0 AF/trimester. Therefore, no mitigation is required. The Watermaster for Water District 120 was notified of the application and did not object to its approval. The transfer was advertised and no protests were received.

Enlargement of Use:

No enlargement of use will occur as a result of this transfer's approval. Rate, volume, nor irrigated acres are authorized to increase. The remainder of right 29-14015 is presented in this transfer's approval as modified by transfers 84797 and 84802, filed on the right concurrently and approved simultaneously.

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.