

MEMORANDUM

Date: March 29, 2021
To: Transfer 84737
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer combines a 35 acre portion of right 11-2118 and all of right 11-7155 to create a 216-acre combined place of use. It also changes the point of diversion for the 35 acre portion of water right 11-2118. It also updates the ownership of the rights.

Authority to File:

The Applicant, Diamond 2 Ranches, LLC, has the authority to file. At the time of transfer submittal, Geneva Ranch, LLC was the owner of record for right 11-2118, and Tri Brown Co. was the owner of record for right 11-7155. Geneva Ranch, LLC, was listed as the owner of the entirety of 11-2118 as a result of an error arising from a 2016 ownership change. That ownership change should have split 35 acres from 11-2118. The 35 acres contemplated in this transfer, in the SWSE of Section 16, were never owned by Geneva Ranch, LLC. A 2006 Warranty Deed, included with the transfer application, conveys those 35 acres to Emma Boehme from the then-owner of record (Peterson Lake Hill Ranch, LP). The Emma Boehme Trust already owned the SWSE of Section 16 when Geneva Ranch purchased its property. More information can be found in the direct notice of the ownership change error sent to Geneva Ranch, LLC in conjunction with processing this transfer. The direct notice is dated March 3, 2021. Geneva Ranch did not respond to the direct notice of transfer.

At the time of this transfer's contemplation, portions of 11-7155's place of use covered land owned by various entities other than the transfer applicant, according to Bear Lake County taxlot data. The transfer applicant owns the point of diversion, and asserted that these entities have never had access to it. The applicant states that they have had exclusive use of right 11-7155 as described in the transfer since 1993, according to 3/29/2021 telephone conversation. Direct notice of the transfer, and a request for ownership evidence, was provided to all of the property owners covered by the 11-7155's existing place of use. That notice is included in the backfile of the application and dated March 3, 2021. None of the property owners responded to the direct notice of transfer.

The ownership of both water rights included in this transfer were updated to the name of the transfer applicant.

In cases other than those discussed above, evidence is included in the application linking the applicant to the water right owners of record at the time of transfer submittal.

Bear Lake County taxlot data indicates that the post-transfer place of use is owned by either Rodney or Emma Boehme. It was last updated in 2017. 2019 deeds, included in the application, variously convey the land from Rodney and/or Emma Boehme to Diamond 2 Ranches, LLC, either directly or via Diamond 1 Ranches, LLC.

Water Right Validity:

The water rights are valid for transfer. 11-2118 was licensed in 1962. 11-7155 was licensed in 1981. Evidence available to the Department, primarily aerial photography, demonstrates consistent irrigation of at least 216 acres at the Diamond 2 property.

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 neighboring property owners and Geneva Ranch did not respond to the direct notice of transfer.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Rate, volume, nor irrigated acres are authorized to increase. A standard season of use, 4/15 - 10/31, was added to all rights in the transfer.

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.