

MEMORANDUM

Date: March 16, 2021
To: Transfer 84692
From: Jared Adamson
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use and point of diversion for a 17.0 acre portion of water right 35-2354, a 6.0 acre portion of water right 35-2388, and a 6.0 acre portion of water right 35-4037. The 29.0 acres from these three water rights will be combined with water rights 35-2365 and 35-7819A to create a 351.0 acre place of use. The transfer application was submitted in order to cover acres that have previously been irrigated without a valid water right.

Authority to File:

Richard Polatis owns water rights 35-2365, 35-7819A, and the property at the proposed place of use and point of diversion per Bingham County tax lot data (10/28/2020). Polatis Brothers owns the other water rights included in the transfer. Polatis Brothers consists of Richard Polatis and Daniel Polatis. Richard and Daniel mistakenly signed the State of Idaho Secretary of State business entity verification document thinking it was the signature page for the transfer application. Richard Polatis was informed of the mistake. Richard Polatis signed the application on behalf of the Polatis Brothers.

Water Right Validity:

Water right 35-2354 was decreed on November 17, 2000. Water right 35-4037 was decreed on March 7, 2011. Water rights 35-2388, 35-2365, and 35-7819A were all decreed on February 15, 2002. Review of aerial photography available to the department showed no clear and convincing evidence that forfeiture has occurred. Forfeiture is not an issue.

Injury to Other Water Rights:

The water rights are within the ESPA and are regulated by Water District 120. The current point of diversion and the proposed point of diversion are within adjacent ESPA Model Cells; no ESPA analysis is required. The watermaster does not oppose this transfer. This transfer was advertised and there are no protests.

Enlargement of Use:

The approval of this transfer will not result in an enlargement of water right.

Local Public interest:

No issues have been identified.

Beneficial Use/Conservation of Water Resources:

No issues have been identified.

Effect on Economy the Local Area:

No issues have been identified.

Effect on Agricultural Base of the Local Area:

No issues have been identified.

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.