

MEMORANDUM

Date: December 21, 2020
To: Transfer 84388
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use and point of diversion for a 9-acre portion of 29-2295F.

Authority to File:

The applicant, Potter Creek Ranch, has the authority to file. Potter Creek Ranch is the owner of record for the right and owns the land at the existing place of use for the right. The proposed place of use is owned by Egan Farms, according to Bannock County taxlot data. A "Consent to Transfer Water Rights," included with the application, confirms Egan Farms consent for the change. The Consent was signed by William Egan, who is the registered agent for Egan Farms, according to the Idaho Secretary of State. The application was signed by Luke Marchant, Attorney for the Applicant.

Water Right Validity:

The water right is valid for transfer. It was decreed in 2004. 1987 aerial photography, generally the basis for the Snake River Basin Adjudication, indicates that the decreed place of use was correct. However, 2004 and later aerial photography demonstrates the right has been consistently used as proposed in this transfer. The transfer corrects the discrepancy.

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 for Water District 29H was provided comment asking for a measuring device condition on any approval.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Rate, volume, nor irrigated acres are authorized to increase. The split right (29-14344) shares a field with water rights 29-2295D and 29-11493, but does not overlap.

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.