

MEMORANDUM

Date: December 29, 2020
To: Transfer 84598
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and the place of use to correct a clerical error made in the partial decree for water right 29-10323 issued by the SRBA Court in 1998. No physical change will occur.

Authority to File:

The applicant is the current water right owner of record. Bannock County tax lot data shows the applicant as the owner of the proposed place of use. The applicant has authority to sign for Bear River Storage LLC and The Lava Hotel LLC, based on records found in the Secretary of State website.

Water Right Validity:

The right included in this transfer was decreed in the SRBA in 1998. The applicant indicated that the property has not undergone a period of five or more consecutive years of non-use. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

Other water rights do not appear to be injured by the proposed change. Neither the point of diversion nor the quantity authorized to be diverted will change as a result of this transfer. No physical change is taking place, just correcting the legal description. Since it is clear that the proposed change will not adversely impact other water rights, this application will not require public notice. No water district for ground water in the area.

Enlargement of Use:

The proposed change does not appear to result in enlargement because neither rate nor volume nor irrigated acreage will increase as a result of the transfer.

Local Public Interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues 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.