

MEMORANDUM

Date: April 13, 2020
To: Transfer 83288
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for an 11.3-acre portion of water right 35-2824. It is one four transfer applications (83280, 83288, 83315, 83340) filed simultaneously for right 35-2824, all proposing to move the water right from its existing place of use to new locations. Transfer 83280 was approved in July 2019. Transfers 83315 and 83340 will be approved in conjunction with the approval for this transfer.

Authority to File:

The applicant, LCSC Enterprises, LLC, has the authority to file. At the time of transfer submittal, the water right was owned by Brandi and Kip Hunter, according to Department records. According to Bingham County tax records, the existing place of use is currently owned by BCF LLC. A one acre portion of the existing place of use is owned by Chad and Kristine Van Orden. LCSC provided a copy of a purchase and sale agreement with Kip and Brandi Hunter for all of water right 35-2824. This document is found in the water right file for 35-2824.

On April 10, 2020, the applicant provided a copy of quit claim deeds from BCF LLC and Chad and Kristine Van Orden confirming that Kip and Brandi Hunter own water right 35-2824 and have the authority to convey the water right to LCSC Enterprises LLC. With this confirmation of ownership, the Department can proceed with the transfer review.

Power County taxlot data indicate that the post-transfer place of use is owned by LCSC Enterprises, LLC. The application was signed by Blair Lee Dance, the manager of LCSC Enterprises, LLC.

Water Right Validity:

The water right is valid for transfer. It was decreed in 2012, and leased to the Water Supply Bank from 2012 - 2014. Aerial photography shows consistent irrigation at the place of use since that time.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer.

The transfer was advertised and protested by Aberdeen Springfield Canal Company and the Surface Water Coalition. However, both parties subsequently withdrew their protests without condition. The watermaster of Water District 120 was notified of the transfer and did not oppose its approval. Applicant provided a combined transfer tool analysis for Applications 83288, 83315 and 83340. The analysis showed that no mitigation is required if the Blackfoot to Neely and Neely to Minidoka reaches are combined. The Surface Water Coalition reserved its right to challenge future applications that propose combining those reaches..

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Rate, volume, nor irrigated acres are authorized to increase. At the time of this transfer's submission, right 35-2824 had a condition stating that it was to be combined with water from Aberdeen-Springfield Canal Company (ASCC). This condition was applied during the decree because, at the time of the SRBA, 75 of the right's 121 acres were overlapped with ASCC shares. However, those 75 acres were dealt with in Transfer 83280. The condition combining the right with ASCC shares does not apply to the acres in this transfer. Transfers 83288, 83315 and 83340 will be approved as primary ground water rights without reference to ASCC shares, consistent with the development history of the water right.

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.