

MEMORANDUM

Date: April 10, 2020
To: Transfer 83502
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use and point of diversion for 2.5-acre portion of right 35-2568.

Authority to File:

The applicant, J & L Holdings, LLC, has the authority to file. The application was signed by Jim Bernard, Manager of J & L Holdings, LLC. The property at the post-transfer place of use and point of diversion is owned by J&L Holdings, LLC, according to Jefferson County taxlot data. According to the Department's database, at the time of transfer submittal, right 35-2568 was owned by Jennifer and Todd Cook. According to Bingham County taxlot data, the Cooks also owned the pre-transfer land covered by the water right.

An "Agreement of Purchase and Sale of Water Right," signed by the Cooks was included in the transfer application. That Agreement stipulates that the transfer must be approved before ownership can be updated to J & L Holdings, LLC. Therefore, ownership will be updated via a separate Ownership Change document after this transfer's approval.

Water Right Validity:

The water right is valid for transfer. It was decreed in 2002. It was included in Transfer 81535, which was approved in 2017. Additionally, Landsat imagery suggests that they pre-transfer place of use has been irrigated consistently. Forfeiture is not an issue.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer's approval. The transfer was advertised and protested by the Surface Water Coalition. The protestants withdrew their protest, stating their "concerns ha[d] been resolved." The Watermaster of Water District 120 was notified of the transfer and did not oppose its approval. The transfer included an analysis using ESPAM2.1. Based on that analysis, no mitigation is required.

Enlargement of Use:

No apparent enlargement issues. Neither rate, volume, nor irrigated acres are authorized to increase. This water right was decreed with no overlapping surface water rights. Surface water shares from the Harrison Canal were conveyed off of the proposed place of use prior to the application.

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.