

MEMORANDUM

Date: December 16, 2019
To: Transfer 83763
From: Jeff Nield
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for a 9-acre portion of water right 29-4328. The 9-acre portion was reserved from the conveyance of the place of use property. Applicant proposes to move the 9-acre portion to its own property, which is right next to the original place of use.

Authority to File:

The applicant is the current owner of record for water right 29-4328. Based on a warranty deed provided with the application, the applicant sold the existing place of use for water right 29-4328 in September 2017. The warranty deed specifically reserved to the seller (the applicant) a 9-acre portion of the water right. The applicant is the owner of the proposed place of use according to Bannock County tax parcel data. Application was signed by Ross D. Allen who, according to the Utah Secretary of State, is an agent and authorized to sign on behalf of the LLC.

Water Right Validity:

The right proposed to be split and transferred was decreed in the SRBA in 2004. Prior to the split, water right 29-4328 authorized the irrigation of 69 acres. According to 2015 and 2017 aerial photos, at least 69 acres have been irrigated at the existing place of use property. Some of the irrigated acres lie outside of the existing authorized place of use. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

The transfer application was advertised and no protests were received. The watermaster was notified of the application and did not provide comment. Historically, spring water was captured in a large holding pond and conveyed to the place of use by a large ditch. Proposed point of diversion is from the same spring pond as the existing point of diversion. Injury to other water rights does not appear to be an issue.

Enlargement of Use:

The proposed change will not result in an increase in any of the elements of the water right. Water right includes a condition stating that the right is combined with water from Portneuf Marsh Valley Canal Company. The existing place of use and proposed place of use are both within the service area for Portneuf Marsh Valley Canal company. A representative from PMVCC confirmed that the existing and proposed places of use are covered by canal company shares. The condition noting the combination with canal company shares will be carried forward on the split right. Enlargement does not appear to be an issue.

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.