

MEMORANDUM

Date: November 6, 2018
To: Transfer 82819
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use and point of diversion for rights 35-13742 and 35-13746.

Authority to File:

An amended application, received on June 26, 2019, was based on a Warranty Deed dated May 14, 2019. The warranty deed conveyed all of water rights 35-13742 and 35-13746 (4.3 acres of rights) to Circle Valley Properties from Caroline Phillips. According to the Department's database, Caroline Phillips was the owner of the water right at the time of the original Transfer submittal. Ownership will be updated to Circle Valley Properties based on that deed.

The warranty deed conveyed three acres of the post-transfer place of use from Caroline Phillips to Circle Valley Properties. The remaining 1.3 acres, and post-transfer point of diversion, are already owned by Circle Valley Properties, according to Bonneville County taxlot data.

The amended application was signed by Kent Cornelison. According to the Idaho Secretary of State's website, Kent Cornelison is the registered agent for Circle Valley Properties.

Water Right Validity:

Right 35-13742 was decreed in 2002, and 35-13746 was licensed in 1995.

The evidence suggests that the rights are valid for transfer. Review of post-decree aerial photography indicates consistent irrigation.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The transfer was advertised and was not protested. The Watermaster for Water District 120 was notified of the transfer and did not comment. Pre-transfer and post-transfer points of diversion are in the same ESPA model cell.

Enlargement of Use:

No enlargement of use will result from this transfer's approval.

The two water rights included in this transfer shared a combined place of use with right 35-13744 at the time of transfer submission. The combined place of use totaled the three rights' individual acre limits, demonstrating that the rights were not stacked. The map shape of the place of use for right 35-13744 will be adjusted to cover the acres currently irrigated under that right. Rate, volume, nor irrigated acres are authorized to increase.

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.