

MEMORANDUM

Date: May 9, 2019
To: Transfer 83129
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the point of diversion and place of use for a five acre portion of right 35-14268.

Authority to File:

The applicant, Gold Emblem Farms, has the authority to file.

According to Department records, the water right was owned by Gold Emblem Farms at the time of transfer submittal.

The property at the pre-transfer place of use is owned by Areva Enrichment Services, LLC, according to Bonneville County taxlot data. A 2008 "Real Property Purchase Option Agreement" from Gold Emblem Farms to Areva Enrichment Services, LLC, reserved the water right for Gold Emblem Farms.

According to Bannock County taxlot data, the post-transfer place of use is owned by Pocatello Heights Investments, LLC. A deed included in the application, dated August 14, 2018, demonstrates that the property was sold to 344 North 15, LLC, by Pocatello Heights Investments, LLC.

A "Contract of Agreement," included in the application, allows 344 North 15, LLC, to transfer the portion of the water right contemplated in this transfer, but the Contract does not change the ownership of that portion.

Water Right Validity:

The water right is valid.

It was licensed in 1997. Review of post-licensing 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 no protests were received.

A simulation of the transfer was performed in ESPAM3.3. The simulation indicated that no mitigation was required for the transfer. Effects on modeled reaches of the Snake River were below 2 AF/trimester.

Enlargement of Use:

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

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.