

MEMORANDUM

Date: March 7, 2019
To: Transfer 82835
From: Jeff Nield
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion of water right 29-13991. The transfer was protested and to resolve the protest the applicant amended the application to combine the place of use of water rights 29-13991, 29-2340, and 29-7031. Changes in place of use will also include the forfeiture of 5.5 acres of the SWSW corner, 5.5 acres of the SESW corner, and rearrangement of acres in the NENW.

Authority to File:

The transfer application includes a warranty deed to change the ownership of water right 29-13991 from Diamond T Ranch, LLC to Equity Trust Company. The applicant is an authorized representative of Equity Trust Company. Department records show the applicant as the current owner of water rights 29-7031 and 29-2340. Bannock County taxlot information also shows the applicant as the owner of both the current and proposed places of use, and property of the proposed points of diversion. The transfer application was signed by David Allen, who is authorized to sign on behalf of Equity Trust Company.

Water Right Validity:

The rights proposed to be transferred were decreed in the SRBA in 2004 and 2005. Upon review of irrigated acres it appears the SWSW and SESW corners have not been irrigated for a period of 5 or more years. The applicant is forfeiting 5.5 acres from the SWSW corner and 5.5 acres from the SESW to account for the non-use. With the forfeited acres the rate per acre will still not exceed 0.02 cfs per acre, therefore the applicant did not forfeit any rate.

Injury to Other Water Rights:

The transfer application was advertised and protests were received. The transfer application was amended according to the requests of the protestants. There does not appear to be any other issues with injury to other water rights.

Enlargement of Use:

The transfer will not result in any changes in rate or volume. Enlargement does not appear to be an issue.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

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.