

MEMORANDUM

Date: January 18, 2019
To: Transfer 82959
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer splits portions of rights 35-14205, 35-14209, and 35-14280, and combines them with right 35-14395 to create a 117.6 acre PPU. It also changes the point of diversion for the split portions of rights 35-14205, 35-14209, and 35-14280.

Authority to File:

The applicant, County Line Farms, has the authority to file. According to the Idaho Secretary of State, County Line Farms is the assumed business name for Monte, Dianne, and Carolene Funk. Monte and Carolene Funk signed the Application. At the time of transfer submittal, Monte and Carolene Funk were the water right owners of record. The pre-transfer and post-transfer places of use are owned by either Monte Funk or Monte and Carolene Funk, according to Power County taxlot records.

Water Right Validity:

The water rights are valid.
Right 35-14209 was licensed in 1995, and rights 35-14208 and 35-14280 were decreed in 2002.
Review of post licensing/deed aerial photography demonstrates consistent irrigation.

Injury to Other Water Rights:

No other water rights will be injured as part of this transfer's approval.
An ESPAM 3.3 analysis of the transfer demonstrated that impacts to modeled reaches of the Snake River are insignificant, and therefore do not require mitigation.
The transfer was advertised and no protests were received.
The watermaster for Water District 120 was notified of the transfer and did not comment.

Enlargement of Use:

No enlargement of use will result from this transfer.
Each of the three split rights listed a combined limit with discrete groups of other water rights at transfer submittal. The rights from those groups were not included to be split as part of the transfer. When reviewed as a whole, the three split rights were found to be independent of the other water rights in their respective group's combined limits.
Also, right 35-14205 was erroneously split from parent right 35-7965B as part of 2010 ownership change. Right 35-14205 was limited to 18.9 acres at the time of transfer submittal, as opposed to the correct proportional acre limit of 21.1 acres. Similarly, 35-14205's volume was listed as 84.3 AF as opposed to the correct 84.4 AF. No other water rights were affected by this correction, as the acres and volume left off of 35-14205 were not added to another right. The acre limit and volume correction was completed as part of this transfer's approval.
The place of use for the remainder of right 35-14209, and associated rights 35-7968A and 35-8660A, were updated in this Transfer's approval to reflect the approval of companion Transfer 82964.

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.