

MEMORANDUM

Date: Feb 1, 2019
To: Transfer 82437
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for a 40-acre portion of water right 29-2565. The proposed place of use will surround the place of use for Permit 29-14187 and allow for the installation of a 1/2 pivot. Proof of beneficial use for water right 29-14187 is not due until September 2021. Barry Williams is the current owner of Permit 29-14187. Water right 29-2565 currently authorizes 250 irrigated acres, consistent with a 2018 Water Right Allocation Agreement, settling the ownership of four water rights decreed in the name of Dale Bolingbroke, including water right 29-2565. Transfers 82076, 82369 and 82437 split water right 29-2565 into three pieces and changes the places of use and points of diversion for all three pieces.

Authority to File: Jacob Andersen Farm is the owner of record for water right 29-2565. Transfer application was filed by Kinport Management, which is an assumed business name for Jacob Andersen Farm LLC. Amended application was signed by Jacob Andersen Farm's attorney, TJ Budge. Jason Williams owns the property at the proposed place of use. Application included a letter from Jason Williams consenting to the transfer.

Water Right Validity: The SRBA Court issued an amended partial decree for water right 29-2565 in 2014. It remains a valid water right.

Injury to Other Water Rights: No injury issues identified. Existing and proposed points of diversion are located outside of the ESPA model boundary. Watermaster of Water District 290 was notified of the transfer and did not provide comment. Transfer was protested. Protests were withdrawn based on a private settlement agreement.

Enlargement of Use: Water rights 29-477, 29-2565, 29-10857 and 29-13234, decreed in the name of Dale Bolingbroke, were limited to 409 irrigated acres. Transfers 82293, 82309, 82076, 82369 and 82437 update the split portions of all of those four rights. The five transfers will not exceed the 409 acre limit. The rate per acre for water right 29-2565 is extremely light (0.003 cfs/acre). This right will be used in combination with Permit 29-14187 to irrigate 75 acres. The combined diversion rate will be 0.83 cfs, which should be just barely sufficient to irrigate the ground through sprinkler irrigation. To prevent enlargement of the diversion rate, the system must be equipped with a flow meter prior to diversion.

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.