

MEMORANDUM

Date: January 15, 2019
To: Transfer 82926
From: Jared Adamson
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use for water rights 35-7971 and 35-8111. The applicants seek to transfer a combined place of use of 4 acres from property owned by Michael E. Heaney to property owned by Prospector Farms LLC, located in the NWNW, Section 22, 04S, 31E. The combined place of use is made up of 3.2 acres from water right 35-7971 and 0.8 acres from water right 35-8111. The point of diversion remains the same for both water rights.

Authority to File:

Michael E. Heaney is the current owner of the water rights and Prospector Farms LLC owns the property at the proposed place of use per Bingham County tax lot data (updated 6/28/2017). This transfer application also acts as the notice of change of water right ownership. Michael E. Heaney conveys ownership of water rights 35-7971 and 35-8111 to Prospector Farms LLC through the approval of this transfer. Stephan R. Klassen, who is the owner of Prospector Farms LLC, signed the application.

Water Right Validity:

Water right 35-7971 was decreed in 2002 and water right 35-8111 was licensed in 1994. Review of aerial photography available to the department showed no clear and convincing evidence that forfeiture has occurred. Forfeiture is not an issue.

Injury to Other Water Rights:

These water rights are within the ESPA and regulated by WD 120. No advertisement was necessary pursuant to Section 42-222 of Idaho Code. The place of use change proposed in this transfer will not change the effect on the original or hydraulically connected water source or affect other water rights. The water master does not oppose transfer.

Enlargement of Use:

The approval of this transfer will not result in an enlargement of a water right.

Local Public interest:

No issues have been identified.

Beneficial Use/Conservation of Water Resources:

No issues have been identified.

Effect on Economy the Local Area:

No issues have been identified.

Effect on Agricultural Base of the Local Area:

No issues have been 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.

MEMORANDUM

Date: January 7, 2019
To: Transfer 82926
From: Jared Adamson
Re: Legal Notice Not Required

Legal Notice Not Required
1/7/2019

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.