

MEMORANDUM

Date: November 26, 2018
To: Transfer 82539
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for right 29-7906. The place of use will be a 28.3 permissible place of use associated with the Falls View Cemetery.

Authority to File:

The applicant, Power County Board of Commissioners, has the authority to file. Application was signed by Ron Funk, Chairman of Power County Board of Commissioners. Prior to the transfer, DEG Enterprises was the owner of record for water right 29-7906. However, 2.4 acres of the existing place of use was on property owned by Daniel Wagner. Power County provided a document signed by Daniel Wagner stating that he has no interest in water right 29-7906. Power County also provided a Purchase and Sale Agreement between DEG Enterprises and Power County. The water right ownership will be updated after the transfer approval, once the recorded deed is provided to the Department.

The proposed place of use is Falls View Cemetery. Application included a "Contract of Agreement" between Falls View Cemetery District and Power County. According to the agreement, the Cemetery District consents to the placement of 29-7906 on its land. The Power County Board of Commissioners will retain ownership of the water right. The proposed point of diversion is owned by Idaho Power. Power County provided a "License Agreement" authorizing Falls View Cemetery to divert from the well.

Water Right Validity:

The water right is valid. It was licensed in 2001. Aerial photography demonstrates consistent irrigation of the licensed place of use.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The applicant provided a transfer tool analysis using ESPAM2.1. Results show that no mitigation is required. The Watermaster for Water District 120 was notified of the transfer and did not oppose its approval. The transfer was advertised and no protests were received.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. The transfer's approval does not authorize an increase in rate, volume, or irrigated acres. Water right will be limited to a specifically-defined 5.4 acres of irrigation within the permissible place of use.

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.