

## MEMORANDUM

**Date:** June 19, 2018  
**To:** Transfer 82353  
**From:** Jeff Nield  
**Re:** Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to rearrange the place of use of right no. 35-8204 and to change the place of use and point of diversion for a 51 acre portion of water right no. 35-7549A. Water right no. 35-8204 and the 51 acre portion of water right no. 35-7549A will be combined to form a 97 acre place of use.

### Authority to File:

K & S Properties LLC is the current owner of record for water right 35-8204. Kim and Sue Ann Grover are the current owners of record for water right 35-7549A. K&S Properties is a company owned by Kim and Sue Ann Grover. Application was signed by Luke Marchant, attorney for Grover and K&S Properties. According to Bingham County taxlot data, a portion of the proposed place of use is owned by the applicant, a portion owned by Jerry Miles, and a portion is owned by the Henry L Miles Family Trust. Application included a Consent to Water Rights Transfer signed by Jerry Miles and by Henry and Carol Miles on behalf of the Miles Family Trust. According to Bingham County taxlot data, part of the existing place of use included in the transfer is owned by Clayton Howell. Applicant provided a statement signed by Clayton Howell, confirming that Howell does not have an ownership interest in the water right and does not oppose having water right 35-7549A moved off of his property.

### Water Right Validity:

Water right no. 35-7549A was decreed in the SRBA in 2002 and water right no. 35-8204 was licensed in 1997. 2004, 2009, 2011, and 2015 aerial imagery show consistent irrigation. Forfeiture is not an issue.

### Injury to Other Water Rights:

Other water rights will not be injured by the proposed change. The place of use for water right no. 35-8204 is simply being rearranged to reflect a new irrigation system, and the portion of water right no. 35-7549A that is being transferred to the new place of use will be dried up in the previous place of use. The Department published notice of the application and it was not protested. The water master for Water District 120 had the opportunity to review the application prior to transfer approval and did not have any objections. The proposed change was also run through an ESPA model and showed no significant impact as a result of the transfer.

### Enlargement of Use:

The proposed change will not result in enlargement because neither rate, nor volume, nor irrigated acres will increase as a result of the transfer.

### 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.