

MEMORANDUM

Date: March 28, 2018
To: Transfer 82156
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This Transfer rearranges the place of use, and clarifies the point of diversion, for right 29-2395.

Authority to File:

The Applicants, David Hart, Robert Hart, and James Hart, have the authority to file.

All three Applicants signed the application.

The Applicants were the owners of record of the water right at the time of transfer submittal, according to the Department's database.

According to Bannock County taxlot data, the land covered by the water right is owned by Portneuf Development, LLC. A separate ownership change was filed in conjunction with this Transfer, and will be processed upon Transfer approval. The ownership change documentation includes a "Warranty Deed for Water Rights," dated May 16, 2017, which demonstrates that the land was sold without the water right.

Water Right Validity:

The water right is valid.

It was decreed in 2004.

At the time of Transfer submittal, the right was leased to the Idaho Water Supply Bank.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer.

The transfer was advertised and no protests were received.

An ESPAM2 analysis was not necessary because no physical changes are being made to the well. The point of diversion change in this transfer simply serves to update the well's location in the Department's database.

Enlargement of Use:

No enlargement of use will result from this transfer's approval.

Rate, volume, nor irrigated acres are authorized to increase.

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.