

MEMORANDUM

Date: February 20, 2018
To: Transfer 82100
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use for a 2.8-acre portion of water right 29-4161B. This is one of two transfers filed simultaneously. The other transfer is 82099. Together these transfers rearrange the place of use and update the ownership of water rights 29-4160 and 29-4161B. Donald and Debra Hall own 2.8 acres of water right 29-4161B.

Authority to File:

The applicants, Donald and Debra Hall, have the authority to file. They are the current owners of record for water rights 29-4160 and 29-4161B. Bannock County taxlot data indicates that the applicants own the post-transfer place of use.

The applicants own 2.8 acres of parent right 29-4161B per a 10/23/2017 ownership agreement. That agreement was further clarified by a 12/2/2017 ownership agreement. As a result of the two agreements, the applicants swapped 0.8 acres of their share in a Spring right (29-4160) for 0.8 acres of Marsh Creek right 29-4161B (Marsh Creek). The applicants have no further interest in 29-4160. Instead, their is land covered by a 2.8-acre portion of 29-4161B, as described in this transfer.

Water Right Validity:

Water rights 29-4160 and 29-4161B were decreed in 2005.

Review of 29-4160's aerial photography corroborates the applicant's assertion that the water was used on a different place of use than originally decreed.

Review of post-decree aerial photography for 29-4161B's decreed place of use demonstrates consistent irrigation.

Both rights are valid for transfer.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The Watermaster for Water District 29H was notified of the transfer and did not oppose its approval.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. When taken together, approval of Transfers 82099 and 82100 do not authorize an increase in rate or irrigated acres.

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: February 22, 2018

To: Transfer 82100

From: James Cefalo

Re: Legal Notice Not Required

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.