

MEMORANDUM

Date: January 30, 2018

To: Transfer 82029

From: Kerrie Mathews

Re: Transfer Evaluation

Transfer No. 82029 proposes to change the point of diversion and place of use for a 91-acre portion of water right 29-2470. The proposed point of diversion will be a new ground water well to be drilled approximately 1/4 mile west of Bannock Creek. The transfer proposes to move 1.40 cfs to the new place of use, which is slightly more rate than would exist under a proportional split of the right (1.36 cfs). 1.40 cfs is still less than 0.02 cfs per acre on the 91 acres to be transferred. Therefore, the transfer will be approved as proposed, with a rate of 1.40 cfs.

Authority to file:

The water right, the current place of use, and the proposed place of use are all currently in the name of Jacob Andersen Farm, LLC. Application was filed in the name of Kinport Management, which is a operating name for Jacob Andersen Farm, LLC. Application included a form from the Idaho Secretary of State confirming Kinport Management is an assumed business name for Jacob Andersen Farm, LLC. Application included a special power of attorney, authorizing attorney TJ Budge to file the transfer on behalf of Jacob Andersen Farm LLC, dba Kinport Management. TJ Budge signed the original application and the subsequent amendments.

Validity of the Water Right:

Water right 29-2470 was decreed on March 22, 2004. An amended partial decree was issued on January 30, 2014. Aerial photography does not shows consistent irrigation. However, pursuant to an Amended Memorandum Decision and Order issued by Judge Robert Naftz of the Idaho 6th District Court on November 3, 2017, water right 29-2470 has not been forfeited.

Injury to Other Water Rights:

No injury to other water rights was identified. The new place of use identified by the applicant's representative is a pivot with a hole in the middle. Per the applicant's attorney (representative) this place of use is correct and more water will be transferred to the proposed place of use at a later date. The new water right should be monitored to make sure there is no unauthorized irrigation in the pivot center. The application was advertised, no protests were received. The watermaster for WD29O was notified of the transfer and did not oppose the transfer.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.