

MEMORANDUM

Date: August 30, 2016
To: Transfer 81112
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer adds points of diversion, changes points of diversion, and changes places of use for rights 35-8146, 35-10977, and the commercial portion of 35-14217. The transfer also updates ownership for water rights 35-10977 and the commercial portion of 35-14217.

Authority to File:

The applicant, Moreland Water and Sewer District, has the authority to file. Moreland Water and Sewer District is an active Water and Sewer District in Bingham County according to Bingham County's website. Right 35-8146 was owned by Moreland Water & Sewer District at the time of transfer submittal.

At the time of transfer submittal, right 35-10977 was in the name of East Moreland Water and Sewer Company. A search of business entities registered with the Idaho Secretary of State returned no results for that Company. A petition was submitted with the application, signed by 15 of the 17 property owners served by right 35-10977. The petition supports the "transfer" of the water right and the ownership change.

At the time of transfer submittal, right 35-14217 was owned by BS&T Land & Cattle. A "Water Right Split and Transfer" notice was submitted with the application. It stated BS&T Land & Cattle's "desire" to split the commercial portion of right 35-14217 and "transfer" that portion to Moreland Water and Sewer District. The ownership of the commercial portion of right 35-14217 was updated accordingly.

Roscoe May signed the application. Minutes from the 2013 Board Meeting were submitted, indicating that Mr. May was elected Board Chair. No expiration of the position was noted in the minutes.

Water Right Validity:

The water rights are valid.
Rights 35-8146 and 35-10977 were decreed in 1999. Right 35-14217 was licensed in 1998. Review of post-decree and post-licensing aerial photography indicates that the rights have been consistently used.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer.
The new points of diversion are in the same ESPA model cell as the pre-transfer points of diversion.
The transfer was advertised and no protests were received.
The Watermaster for Water District 120 was notified of the transfer and did not comment.

Enlargement of Use:

No enlargement of use will result from this transfer's approval.
Rate nor volume 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.