

MEMORANDUM

Date: April 4, 2016
To: Transfer 80683
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer adds a point of injection, two new points of diversion, and two new places of use to the North Fremont Canal Systems service area. It is a combination of two transfers that were submitted simultaneously yet separately by Jared Baum and Rocky Mountain Environmental Associates. It also corrects errors in place of use and points of diversion descriptions stemming from the Snake River Basin Adjudication.

Authority to File:

North Fremont Canal Company is the owner of the water rights according to Department records and has the authority to file. Application was signed by Dennis Warnke, the company's registered agent. Access to the new point of diversion in T09N R42E Sec. 33 SWNENW was granted in a letter submitted with Jared Baum's original application. Jared Baum is the owner of the additional POU in Sections 32 and 33 of T09N R42E, and signed one of the original application's for transfer. Access to the new point of diversion in T09N R43E Sec. 36 NWSW was granted through court order in Case No. CV-13-108, submitted with the original Rocky Mountain Environmental Associates transfer. Glen Atchley is the owner of the additional POU being added in Sections 1 and 2 of T08N R 43E. Mr. Atchley is the registered agent for Flying A Ranch, which was represented by Rocky Mountain Environmental Associates in one of the original transfer applications. The other PODs and POUs added in this transfer are historical.

Water Right Validity:

The water rights are valid. They were decreed in 2006. Idaho Statute 42-222(7) protects the rights from forfeiture.

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. The watermaster for Water District 1 was notified of the transfer and did not oppose its approval.

Enlargement of Use:

No enlargement of use will result from this transfer.
Neither total rate nor irrigated acres are authorized to increase.
The acres being added to the POU as a result of adjudication errors were all irrigated in 1987, according to aerial photography. The company submitted a statement with the transfer that stated that, "[e]ven with the inclusions of these lands NFCS will not be exceeding 31,539 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.