

MEMORANDUM

Date: March 2, 2016
To: Transfer 80656
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer splits 25 acres of right 35-7445 from four pivot corners to cover a violation of 11.7 acres, and develop new ground totaling 13.3 acres. The split water right will combine with 35-8370A and 35-2758A at the new POU.

Authority to File:

The applicants, Marc Foster and Terri Foster, have the authority to file. Of the three water rights, one is owned by Marc and Terri Foster, who both signed the application. The other two water rights are owned by Foster Family Farms Inc, whose registered agent is Marc Foster. The land from and onto which the water rights are being transferred is owned by Lava Rock Ranch, LLC, of which Marc Foster is a Member.

Water Right Validity:

The water rights are valid. One was licensed in 1994, the other two were decreed in 2002. A sword affidavit, signed by Marc Foster and submitted with the application, states that the 25.0 acres in the transfer were irrigated in 2015. 2015 aerial photography is thus representative of irrigation on those acres. Aerial photography demonstrates the acres have been irrigated consistently since the rights were licensed and/or decreed.

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 120 was notified of the transfer and had no comment. An ESPA analysis was not required because the new POD is less than 14,920 feet away from the current POD. 14,920 feet is the maximum distance between two points in adjacent ESPA cells.

Enlargement of Use:

No enlargement of use will result from this transfer. Rate, irrigated acres, nor volume are authorized to be increased.

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.