

MEMORANDUM

Date: May 5, 2014
To: Transfer 78657
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for water right 35-14269. On May 21, 2012, Gold Emblem Farms filed transfer 77958 seeking to change the point of diversion and place of use for a 130.0 acre portion of water right 35-13856. On June 28, 2012 transfer 77958 was approved and changed the point of diversion (SWSWSW of 02N, 37E, Section 32) and changed the place of use (02N, 37E, Sections 31 and 32) for 130.0 acres, which is now described under water right 35-14269. On May 13, 2013 Boehm Potato Farm LLC filed an ownership change for water right 35-14269. Approximately at the same time, Boehm Potato Farm LLC was issued a drilling permit to drill a new well for their authorized point of diversion described under transfer approval 77958. Instead of the new well being drilled in the SWSWSW of 02N, 37E, Section 32, it was drilled in the SWNESE of 02N, 37E, Section 31. The applicant filed this transfer seeking to change the point of diversion for water right 35-14269 to the location where the well was drilled.

Authority to File:

The applicant is the current owner of the water right per IDWR record and owner of the property at the point of diversion per Bonneville County taxlot data. Luke Marchant who is the applicant's attorney signed the application.

Water Right Validity:

Licensed in 1997. Aerial photography prior to and after transfer approval 77958 shows consistent irrigation. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 120. The current authorized point of diversion and the proposed point of diversion are within adjacent ESPA model cells. No ESPA analysis is required. This transfer was advertised and protested. The applicant and protestants have reached an agreement. The protests have been withdrawn. The watermaster was notified about the transfer application but did not provide comment.

Enlargement of Use:

No issues identified.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

No issues identified.

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.