

MEMORANDUM

Date: March 31, 2022
To: Transfer 85619
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use and point of diversion for a two-acre portion of water right 35-7720 and changes the nature of use for 0.2 of the transferred acres. At the post-transfer place of use, commercial use will be 0.6 afa, with 0.3 afa being used to offset evaporation from a pool, and 0.3 afa being used to offset evaporation from a splash pad.

Authority to File:

The applicant, Bear Crest Limited, LLC, has the authority to file. The application was signed by Courtney Ferguson, the registered agent for Bear Crest Limited, LLC, according to the Idaho Secretary of State. At the time of transfer submittal, the right was in the name of PT Elliot, LLC. The pre-transfer place of use was owned by PT Elliot, LLC, according to Jefferson County taxlot data. A Net Water Listing Contract with Exclusive Right to Sell, included with the application, allows Rocky Mountain Water Exchange, LLC, to sell right 35-7720 on behalf of PT Elliot, LLC. The contract was signed by Carl Zitlou, the registered agent for PT Elliot, LLC. In turn, an Agreement for Purchase and Sale of Water Right confirms the sale of the same of 2.0 acres of 35-7720 from Rocky Mountain Water Exchange, LLC, to Bear Crest Limited, LLC. The Agreement was signed by Roger Warner and Michael Ferguson, registered agents for Rocky Mountain Water Exchange, LLC, and Bear Crest Limited, LLC, respectively. The post-transfer places of use and points of diversion were owned by Bear Crest Limited, LLC, according to Madison County taxlot data. Ownership will be updated after transfer approval.

Water Right Validity:

The water right is valid for transfer. It was decreed in 2004. Review of post-decree aerial photography demonstrates no five-year consecutive period of non-use. It was leased to the Water Supply Bank in 2019 and 2020.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer's approval. The transfer was advertised and was protested by the Henry's Fork Groundwater District. The protest was subsequently withdrawn unconditionally.

The Watermaster for Water District 100 was notified and did not oppose the transfer's approval. A simulation of the model was performed in ESPAM3.4. No mitigation is required because impacts to all modeled reaches of the Snake River are less than 2 AF/trimester, and less than 10% of the right's historical impacts.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Rate, volume, nor irrigated acres are authorized to increase. A total of 8.0 afa was authorized for diversion for the irrigation of the two transferred acres at the pre-transfer place of use. The right is authorized to divert 6.9 AFA post-transfer, a net reduction of 1.1 AFA.

0.3 afa will be used to offset evaporative losses from a pool and a splashpad each, for a total of 0.6 afa at the post-transfer place of use. The 0.3 afa to offset losses from the pool was determined using IDWR's pond loss calculation spreadsheet. There is no straight-forward way to determine evaporative losses from the splashpad, so it is assumed to be the same as from the pool. Initial fill for the pool and splash pad, and the additional rate necessary to provide initial fill and supply water for 222 RV/cabin spaces, and 5 bathhouses, is provided by companion permit no. 22-14440. The initial fill is from groundwater and will be returned to the ground via a septic tank, with this transfer's commercial volume providing maintenance due to consumptive evaporative losses between diversion and draining.

The water was used to irrigate spring grain prior to transfer, which has a precipitation deficit of 2.1 AFA, according to ETIdaho's Roberts Station (AM/INL – ROBI). $0.6 \text{ AF} / 2.1 \text{ AFA} = 0.2 \text{ acres}$ necessary for conversion.

The remaining 1.8 transferred acres will be used for irrigation. The headgate requirement at the post-transfer place of use is 3.5 AFA/acre, compared 4.0 AFA/acre at the pre-transfer place of use. As a result, 6.3 AFA will be authorized for Irrigation, as opposed to a 7.2 AFA for the 1.8 irrigated acres at the pre-transfer place of use.

At the pre-transfer place of use, 1-7017 overlapped the two acres transferred. 1-7017 is diverted from the Snake River, having a priority of 1978, making it a junior right, unavailable for practical use. The overlapping portion of 1-7017 will be abandoned as part of this transfer's approval.

Conservation of Water Resources / Local Public Interest: 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.