

MEMORANDUM

Date: December 2, 2021
To: Transfer 85425
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use, point of diversion, season of use, and nature of use for a 2-acre portion of ground water right 35-7720. The transferred right will be used to irrigate 1.1 acres and will offset the evaporative losses for a new 2-acre pond. The water table is high enough to fill the pond. The initial fill and volume of the pond (17.2 af) will be covered by a WSB rental. Water right 35-7720 is overlapped by Snake River right 1-7017. The overlapping portion of 1-7017 will be abandoned as part of the transfer approval.

Authority to File:

The applicants, Chad and Sarah Renee Cardenas, have the authority to file. PT Elliot, LLC is the current owner of record for the rights. An Option Agreement for the Purchase and Sale of rights 35-7720 and 1-7017 authorizes Rocky Mountain Water Exchange to sell the rights on behalf of the owner. The Option Agreement was signed by Carl Zitlau, PT Elliot LLC's agent. The applicant has signed as agreement for the purchase and sale of the right with Rocky Mountain Water Exchange. The pre-transfer place of use was owned by PT Elliot, LLC, according to Jefferson County taxlot data. The applicants own the land at the post-transfer places of use and points of diversion. Ownership information will be updated after transfer approval.

Water Right Validity:

The water right is valid for transfer. It was decreed in 2004. Review of 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. The transfer was advertised and no protests were received. A simulation of the transfer was performed in ESPAM2.1. No modeled reach of the Snake River was depleted by more than 2.0 af/trimester, according to the simulation. Mitigation is not required.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. First-time fill for the 2-acre pond will be rented from the Water Supply Bank. The pond component will have an annual precipitation deficit of 2.5 af, according to IDWR's Pond Loss Calculation Spreadsheet. However, 0.4 acres of existing wetlands, which evaporate 1.45 AF/acre per year, will be encompassed within the 2.0 acre pond. $1.45 \text{ AF/acre} \times 0.4 \text{ acres} = 0.6 \text{ AFA}$ of existing evaporation at the pond's location. 1.9 AFA are therefore necessary to cover the pond's evaporative losses. The right was used to irrigate grain prior to the transfer. Grain has a precipitation deficit of 2.07 AFA for the growing season at the pre-transfer place of use, according to ETIdaho. $1.9 \text{ AFA} / 2.07 \text{ AFA acres} = 0.9 \text{ acres}$ necessary for conversion to mitigate for pond's evaporative losses. 2.0 acres are proposed for transfer. The remaining 1.1 acres will be used for Irrigation. Neither rate nor irrigated acres will increase. The total authorized under the right will decrease by 2.3 AF from 8.0 AFA to a total of 5.8 AFA.

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.