

MEMORANDUM

Date: September 29, 2021
To: Transfer 85192
From: Michelle Watts
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to split portions from two ground water irrigation rights and convert them to industrial use. Six acres will be split from 35-14746 and four acres from 35-7720. Four acres from surface right 1-7017, currently stacked with 35-7720, will be abandoned due to its junior priority date.

The entirety of rights 35-7720 and 1-7017 are currently in the Water Supply Bank under lease contract no. 1377 and WSB rental agreement no. 513 ending December 31, 2021. The period of use for these rights end October 31, 2021. The application includes Attachment No. 9, Water Supply Bank, stating that the applicant will not need right 35-7720 until it is released from the Bank at the end of 2021.

Authority to File:

Knife River Corporation Mountain West is the applicant and owner of the proposed place of use. The application has been signed by Jim Lauteren, the President of the Corporation according to the Idaho Secretary of State's Office. 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, P.T. Elliot LLC, signed by the appropriate agent Carl Zitlau. The applicant has signed an agreement for the purchase and sale of the water right with Rocky Mountain Water Exchange.

Wayne Properties LLC, is the owner of water right 35-14746 from an ownership split dated March 23, 2021. The property owner at the current place of use is Areva Enrichment Services LLC. Warranty Deed, Instrument No. 1381638, excluded right 35-8078 from the sale of property from Gold Emblem Farms to Areva in 2010. Right 35-8078 was then split via transfers 75275 and 77958 into parent right 35-14268. Wayne Properties LLC and the applicant have signed a water right Purchase and Sale Agreement. The applicant has authority to file the transfer.

Water Right Validity:

Right 35-7720 was decreed in 2004. Review of vegetation indices from 2014 through 2018 indicate application of water in the current place of use. The rights were leased through the Water Supply Bank in 2019 and 2020. Right 35-14746 originated from right 35-8078 licensed on September 25, 1997. Review of vegetation indices from 2016 through 2020 indicate application of water in the current place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be impacted by the proposed transfer. The current and proposed POU are within the ESPA boundary and a completion of the ESPA model analysis determined mitigation is not required. The transfer was advertised, and no protests were received. The proposed changes have been reviewed by the watermaster of WD 120, in which he does not oppose the approval of the application and commented that a magnetic flowmeter would need to be installed.

Enlargement of Use:

The proposed changes will not result in enlargement because water use will not increase as a result of the transfer. Consumptive volume calculations correspond with the number of acres to be retired to change the nature of use from irrigation to industrial.

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.