

MEMORANDUM

Date: September 24, 2021
To: Transfer 85296
From: Michelle Watts
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to split 2.5 irrigation acres from ground water right 35-7720 and move it to a new place of use in Basin 25. A corresponding 2.5 acres will be abandoned from the stacked surface water right, 1-7017, due to its junior priority date. The entirety of rights 35-7720 and 1-7017 are currently leased to 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. Approval of this application is not expected to interfere with this rental period.

Authority to File:

Kenneth Rick Miles is the applicant and the owner of the proposed place of use according to Jefferson County parcel data. A previously submitted 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 water right owner, P.T. Elliot LLC, signed by the appropriate agent Carl Zitlau. The applicant and property owner at the proposed place of use, Kenneth Rick Miles, has signed an agreement for the purchase and sale of the water right with Rocky Mountain Water Exchange. 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. 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.

Enlargement of Use:

The proposed changes will not result in enlargement because water use will not increase as a result of the transfer.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

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.