

MEMORANDUM

Date: July 19, 2021
To: Transfer 85019
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use, nature of use, and point of diversion for water right 25-14417.

Authority to File:

The applicant, Nest Egg Investments, LLC, has the authority to file.

The applicant was the owner of the water right at the time of transfer submittal.

Rigby 191, LLC, owns the pre-transfer place of use, according to Jefferson County taxlot data. A warranty deed, instrument no. 462425, from Nest Egg Investments, LLC, to Rigby 191, LLC, reserves 25-14417 and 25-14419 from the conveyance to Rigby 191 LLC. The applicant owns the post-transfer place of use and point of diversion, according to Bonneville County taxlot data.

Water Right Validity:

The water right is valid for transfer. It was licensed in 1997.

A 2014 transfer tied the right to permit 25-14419, a commercial permit for irrigation using a high rate of diversion at a garden nursery. 25-14417 provides the volume, synonymous in this case with mitigation, while 25-14419 provides the rate. Permit 25-14419 was amended concurrently with this transfer's approval to reflect the same Nature of Use, Point of Diversion, and Place of Use. The permit is still in the development. This is an acceptable defense to forfeiture under Idaho Code 42-223(10), which protects a right from forfeiture if it is being used for mitigation purposes.

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. The Watermaster of Water District 120 was notified of the application and did not oppose approval, provided an acceptable measuring device be installed, a standard Condition of Approval.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Rate nor volume is authorized to increase. The simulation of the transfer was performed in ESPAM2.1. Impacts to modeled reaches of the Snake River were all less than 2.0 AF/trimester. No mitigation is required. The nature of use was changed from Irrigation to Commercial. The volume was reduced from 4.0 AFA to 2.6 AFA based on data that the applicant provided regarding previous usage of the right.

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.