

MEMORANDUM

Date: June 7, 2021
To: Transfer 84922
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the points of diversion and places of use for rights 35-13975 and 35-14484. It combines the two rights on 13.8 acres.

Authority to File:

The Applicant, Natural Guardian, LLC, has the authority to file. Natural Guardian is the current owner of record for water rights 35-13975 and 35-14484. The existing place of use is owned by South Interchange Properties, LLC, while the proposed place of use is owned by Natural Guardian, according to Bonneville County taxlot data. The water rights were moved to the South Interchange property temporarily until South Interchange was able to find water rights. South Interchange successfully moved 13.8 acres of water rights to the property through Transfer 84515 (approved April 2021). Natural Guardian now seeks to move the rights back to Natural Guardian property. The transfer was signed by Luke Marchant, an attorney who represents both South Interchange and Natural Guardian.

Water Right Validity:

The water rights are valid for transfer. They were decreed as part of right 35-7206D in 2002. They were involved in various transfers, including Transfer 75998 (2009) and Transfer 81240 (2016), which moved them to their existing places of use. Review of aerial photography after those transfers demonstrated consistent irrigation at the existing place of use.

Injury to Other Water Rights:

No water rights will be injured as a result of this transfer's approval. The transfer was advertised and no protests were received. The Watermaster for Water District 120 was notified of the application and did not oppose its approval.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Rate, volume, nor irrigated acres are authorized to increase. The two rights were decreed together as part of stand-alone groundwater right 35-7206D. They were split and variously transferred to their pre-transfer place of use, which is the campus of Melaleuca, Inc.'s headquarters (see Transfers 75998, 83805, and 81240 [backfile in 21-13178]). The rights in this transfer were replaced at the pre-transfer place of use by rights 35-14700 and 35-14701, per Transfer 84515. Transfer 84515 was approved upon this transfer's submittal because time was of the essence to that applicant. Although Transfer 84515 was approved prior to this transfer, its intent was to backfill the 13.8 acres within the 23.8 acre Melaleuca, Inc. complex.

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.