

MEMORANDUM

Date: May 28, 2021
To: Transfer 84864
From: Michelle Watts
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to split ground water right 35-7720 and move 4.6 acres to a new place of use and new point of diversion at the Jefferson Greens Estates HOA. Rights 35-7720 and 1-7017 share a combined place of use and companion Transfer 84863 addresses the change to the surface water right.

The transfer was amended by the applicant on May 24 to redistribute 0.7 acres within Sec 8 of T04N R39E. Irrigated acres were removed from Lots 2 & 3, Block 1 and placed on Lots 9 & 17, Block 2. Authorization from the property owners was provided. Re-advertising will not be necessary

Authority to File:

Rocky Mountain Water Exchange is the applicant and has authority to file. According to the Department's database right 35-7720 is currently owned by PT Elliott LLC whose listed agent is Carl Zitlau. An Option Agreement for Purchase and Sale of Water Rights, signed by Mr. Zitlau, authorizes Rocky Mountain Water Exchange to file this application. The post transfer place of use are 11 lots within the Jefferson Greens Estates HOA. Each of these entities consent to the placement of water on their land via Agreements for Purchase and Sale of Water Rights. The post-transfer points of diversion are wells owned by Jefferson Greens Estates Homeowners Association. Sale of this water right portion is contingent on transfer approval. After the sale is complete, ownership will be updated.

Water Right Validity:

Right 35-7720 was decreed in 2004. Review of vegetation indices from 2005 through 2018 indicate application of water in the current place of use. The right was leased through the Water Supply Blank in 2019 and 2020. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be injured by the proposed change. 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.

Effect on Economy of 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 this application.