

MEMORANDUM

Date: May 3, 2021
To: Transfer 84808
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the point of diversion and place of use for a two acre portion of right 35-7720.

Authority to File:

The applicants, Gary and Rebecca Chapman, have the authority to file. PT Elliott LLC is the owner of record for water rights 35-7720 and 1-7017. The existing place of use is owned by PT Elliott, LLC, according to Jefferson County taxlot data.

The post-transfer place of use is owned by the Applicants, according to Madison County taxlot data. The transfer is authorized by two separate documents. The first document, "Net Water Contract with Exclusive Right to Sell," included as part of Attachment 3, authorizes Rocky Mountain Water Exchange and Keller Williams ("agents") to sell the water right for PT Elliott, LLC. That contract is signed by Carl Zitlau, the Registered Agent for PT Elliott, LLC, according to the Idaho Secretary of State's website. The second document, "Agreement for Purchase and Sale of Water Right," conveys the water right the applicants from the agents, contingent on transfer approval. The ownership of the water right will be updated after transfer approval.

Water Right Validity:

The portion of the water right proposed for transfer is valid. It was decreed in 2004. Based on aerial imagery, IDWR had a concern that the right has not been actively used. The Applicant's Representative, Rocky Mountain Environmental Associates, provided a detailed report summarizing the irrigation under right 35-7720 over the last 15 years. Forfeiture is no longer a concern.

Injury to Other Water Rights:

No injury will result from this transfer's approval. The transfer was advertised and no protests were received.

The Watermaster for Water District 100 was notified of the transfer and did not object to its approval. A simulation of the transfer was run the ESPAM2.1 model. The simulation yielded impacts to the Snake River of less than 2.0 AF/trimester, making mitigation unnecessary.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Rate, volume, nor irrigated acres are authorized to increase. The headgate volume requirement at the pre-transfer, decreed place of use for the right was 4.0 AF/acre. The headgate volume requirement at the post-transfer place of use is 3.5 AF/acre. A volume of 3.5 AF/acre was added to the transferred portion of the right.

Snake River right 1-7017 overlapped on the pre-transfer place of use. 1-7017 has a priority date of 1978 and therefore is practically unavailable during the irrigation season. The overlapping portion of 1-7017 was abandoned, as requested in the transfer application.

There are four pending transfer applications proposing to make changes to water rights 35-7720 and/or 1-7017. These four applications (84782, 84808, 84863, 84864) will be approved on the same day. The remaining portions of water rights 35-7720 and 1-7017 described on the approval documents will reflect the remaining portions after all transfers are approved.

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.