

MEMORANDUM

Date: October 26, 2020
To: Transfer 83915
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use and point of diversion for a 17.8 acre portion of right 1-7017. Water right 1-7017 shares a combined place of use with ground water right 35-7720. A separate transfer application (83918) was filed to change the place of use and point of diversion for a 17.8-acre portion of 35-7720.

Authority to File:

The Applicant, Rocky Mountain Water Exchange, has the authority to file.

At the time of transfer submittal, the water right was owned by PT Elliot, LLC, according to the Department's database. An Option Agreement for Purchase and Sale of Water Right, signed by Carl Zitlau, authorizes Rocky Mountain Water Exchange to file this application. Carl Zitlau is the manager of PT Elliot, LLC.

The post-transfer place of use are 43 separate lots owned by 43 separate entities. Each of those entities consented to the placement of water on their land via Agreement for Purchase and Sale of Water Right. The post-transfer point of diversion is owned by North Rigby Canal Company. North Rigby Canal Company consented to the diversion in a verbal conversation. The water right has been diverted through the North Rigby Canal point of diversion since 2019 via a Water Supply Bank rental. Sale of the water right is contingent on transfer approval. After the sale is complete, ownership will be updated.

Water Right Validity:

The water right is valid for transfer. The water right was decreed in 2007. Review of post-decree aerial photography demonstrates consistent irrigation. The portion of the water right proposed for transfer has been diverted and used as proposed during the 2019 and 2020 irrigation seasons, via a Water Supply Bank rental.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The transfer was advertised and protested by the Surface Water Coalition. The contested case was resolved through a Stipulation for Withdrawal of Protests. The Stipulation required the split portion of water right 1-7017 to be combined with 10 shares of stock North Rigby Canal stock. The Watermaster of Water District 1 was notified of the transfer and did not comment.

Enlargement of Use:

No enlargement of use will result from this transfer. A companion transfer, Transfer 83918, moves a 17.8 acre portion of stacked right 35-7720 to the same place of use. The condition noted above ties the rights with North Rigby Canal stock. Rate, volume, nor irrigated acres are authorized to increase.

Conservation of Water / Local Public Interest:

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.