

MEMORANDUM

Date: October 27, 2020
To: Transfer 83918
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 35-7720. Water rights 35-7720 and 1-7017 share a 78.7-acre combined place of use. A separate transfer application (83915) was filed to change the point of diversion and place of use for a 17.8-acre portion of water right 1-7017. The split portions of the rights will be combined at the proposed place of use.

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 is 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 Jefferson Greens Estates Homeowners Association ("HOA"). The HOA consented to their wells being used as the points of diversion in an Agreement for Purchase and Sale of Water Right. Sale of the water right is pending 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 2004. 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 requires the split portion of the right to be combined with 10 shares of stock North Rigby Canal stock.

A simulation of the transfer was performed in ESPAM2.1. The simulation indicated that no mitigation was necessary as impacts to modeled reaches of the Snake River were all below 2 AF/trimester. The Watermaster of Water District 120 was notified of the transfer and did not oppose its approval.

Enlargement of Use:

No enlargement of use will result from this transfer. A companion transfer, Transfer 83915, moves a 17.8 acre portion of stacked right 1-7017 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.