

## MEMORANDUM

**Date:** October 24, 2020  
**To:** Transfer 83471  
**From:** Cooper Fritz  
**Re:** Review & Evaluation of Sufficiency of Information

This transfer changes the place of use, point of diversion, and adds a point of diversion to a 3.2-acre split portion of right 27-7545.

### Authority to File:

The Applicant, Rocky Mountain Water Exchange, has the authority to file. The right was owned by Artie Waters and Lori Neihart at the time of transfer submittal, according to the Department's database. Both owners signed an "Agreement for Purchase and Sale" allowing Rocky Mountain Water Exchange to file the transfer. The post-transfer place of use is on six separate parcels, owned by six separate entities, according to Jefferson County taxlot data. Each entity consented to placement of the water right on their property via Agreements for Purchase and Sale of Water Right.

The post-transfer points of diversion are 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. The sale of the water right is contingent upon transfer approval. Ownership will be updated after the transfer is approved.

### Water Right Validity:

The water right is valid for transfer. It was licensed in 2002. Review of post-licensing aerial photography demonstrates consistent irrigation.

### 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 calls for a condition to be included on the transferred right combining the transferred portion with 10 shares of North Rigby Canal Company stock. Additionally, overlapping domestic right 25-14162 was brought in as an associated right to update the condition (listed as condition no. 3) to clarify how acres are irrigated within the subdivision.

A simulation of the transfer was performed in ESPAM2.1. The simulation did not indicate an impact on modeled reaches of the Snake River by more than 2 AF/trimester. No mitigation is necessary.

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's approval. Rate, volume, nor irrigated acres are authorized to increase. The existing place of use for water right 27-7545 is overlapped with water from Blackfoot Irrigation Company, but does not include any condition requiring the surface water to be used first. The proposed place of use is entirely overlapped with shares in North Rigby Canal Company. Therefore, the ground water right is being moved from a stacked position to a stack position. North Rigby Canal Company water rights are more senior and more reliable than those held by Blackfoot Irrigation Company. A condition will be added to the right, requiring the split portion to remain combined with the shares in North Rigby Canal Company to prevent enlargement.

### Conservation of Water / Local Public Interest:

No issues identified.