

MEMORANDUM

Date: January 27, 2020
To: Transfer 83441
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the point of diversion, place of use, season of use, and nature of use of a 1-acre portion of right 35-2568 in order to cover the evaporative losses associated with two lined ponds in a subdivision. Water District 1 Rental Pool water will be used to fill the ponds. Right 35-7769 was brought into the transfer as an associated right in order to update combined limits and conditions.

Authority to File:

The applicant has a purchase and sale agreement with the current owners for the portion of the water right included in the transfer. Ownership will be updated upon approval of the transfer. Madison County parcel data shows the applicant as the current owner of the proposed point of diversion and place of use. The application was signed by Gary Schnell. The Idaho Secretary of State webpage showed Thomas Garlock as manager of Misty Valley LLC. The applicant provided a letter from Mr. Garlock authorizing Mr. Schnell to sign on behalf of the LLC. The applicant also provided a statement from the lien holder giving assent to the transfer.

Water Right Validity:

Water right 35-2568 was decreed in the SRBA in 2002, and the right was included in Transfer 81535, which was approved in 2017. Forfeiture is not an issue.

Injury to Other Water Rights:

The proposed 1-acre reduction in irrigated acres is adequate to mitigate for the evaporation associated with the ponds. The proposed changes will not reduce the quantity of water available to other water rights. The applicant provided an ESPA model analysis showing that impacts were less than 2 AF per trimester. The application was advertised and no protests were filed. The watermaster of Water District 100 reviewed the application and did not oppose its approval.

Enlargement of Use:

After new right 22-14350 was split from parent right 35-2568, rate, volume, acres, condition amounts, and combined limits for 35-2568 and associated right 35-7769 were reduced in order to prevent enlargement. The applicant provided data showing that historical beneficial use will not increase with the transfer.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Effect on Economy 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 of this application.