

MEMORANDUM

Date: June 26, 2019
To: Transfer 83237
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the point of diversion and place of use for a 3.5 acre portion of right 35-2568.

Authority to File:

The applicant, Shovelback Holdings, LLC, has the authority to file.

According to Department records, at the time of transfer submittal the right was owned by Jennifer and Todd Cook. Jennifer and Todd also own the pre-transfer place of use, according to Bingham County taxlot data.

An "Agreement for Purchase and Sale of Water Right" allows Shovelback Holdings to transfer the 3.5 acres of water as specified in this transfer. Shovelback Holdings owns the post-transfer place of use, according to Fremont County taxlot data. An ownership change will be submitted after transfer approval. The application was signed by Trever Einerson. According to the Idaho Secretary of State's website, Mr. Einerson is the registered agent for Shovelback Holdings, LLC.

Water Right Validity:

The water rights is valid.

It was decreed in 2002.

Post-decree aerial photography demonstrates consistent use of the water right.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer.

The transfer was advertised and no protests were received.

An analysis of the transfer using ESPAM 3.3, and the closest ESPAM model cell to the post-transfer POD, yielded that impacts to the Snake River were de minimus.

In addition, an agreement was entered into between the applicant and Fremont Madison Irrigation District, a protestant of Transfer 82525. Transfer 82525 moved 2.5 acres of water right 35-2568 to the post-transfer points of diversion contemplated in this transfer. That agreement referenced this transfer, and was included as part of the transfer application.

Enlargement of Use:

No enlargement of use will result from this transfer's approval.

Rate, volume, nor irrigated acres are authorized to increase.

Because Transfer 82525 was approved during this transfer's processing, 35-2568's remaining rate, volume, irrigated acres, and combined limits are based on 35-2568 as modified by Transfer 82525.

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.