

MEMORANDUM

Date: July 17, 2018
To: Transfer 82525
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use and points of diversion for a 2.5 acre piece of right 35-2568.

Authority to File:

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

At the time of transfer submission, right 35-2568 was owned by Jennifer and Todd Cook. An "Agreement for Purchase and Sale of Water Right," included in the application, allows Shovelback Holdings LLC to file the transfer. The agreement was signed by Jennifer and Todd Cook, and by Trever Einerson. Trever Einerson is listed as the registered agent for Shovelback Holdings LLC on the Idaho Secretary of State's website.

The pre-transfer place of use is owned by Todd and Jennifer Cook, according to Bingham County taxlot data.

The post-transfer place of use is owned by Shovelback Holdings, LLC, according to Fremont County taxlot data.

Ownership will be updated after transfer approval.

Water Right Validity:

The water right was decreed in 2002. Review of post-decree aerial photography of the acres to be transferred indicate consistent irrigation. The acres proposed for transfer are valid.

Injury to Other Water Rights:

The transfer was advertised and protested by Fremont Madison Irrigation District.

The protest was withdrawn based on a "Memorandum of Understanding."

A simulation of the transfer using ESPAM3.2 indicates that the impacts of the transfer on modeled reaches of the Snake River will not require mitigation. The volume used in the simulation was the decreed 4.0 AFA.

However, the actual volume allocated at the post-transfer point of diversion is 3.0 AFA. The simulation therefore over-valued what will be pumped at the post-transfer point of diversion.

Enlargement of Use:

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

During negotiations to settle the protest, two other transfers involving split portions of right 35-2568 were approved. As a result, right 35-2568 and associated right 35-7769 together authorized the irrigation of 599.1 acres before this transfer's approval, not the 619 acres authorized under the rights at transfer submission.

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

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.