

MEMORANDUM

Date: September 26, 2018
To: Transfer 82522
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for water right 25-7320.

Authority to File:

The current owner of record for water right 25-7320 is R&K Rentals. According to Bonneville County taxlot records, the existing place of use is owned by RK Rose Exempt Marital Trust, Hazel Rose Trustee. According to Applicant, R&K Rentals was a company set up by RK Rose and a Mr. Kyle. RK Rose and Hazel Rose have died and R&K Rentals is no longer an active partnership. Hazel Rose is also dead.

Application included an Authorization to Submit Transfer Application signed by Linda Wilkins on behalf of R&K Rentals. The statement authorizes Nest Egg Investments LLC to move water right 25-7320 to the proposed place of use. Linda Wilkins is the daughter of RK and Hazel Rose and is the trustee of the Rose Marital Trust. Application also included a warranty deed confirming that Nest Egg Investments LLC owns the property at the proposed place of use and point of diversion. Formal conveyance of water right 25-7320 will occur after transfer approval.

Water Right Validity:

Water right 25-7320 was decreed in the SRBA in 2005. Nest Egg Investments currently operates Sunnyside Gardens, using water right 25-7320 for greenhouse watering. Sunnyside Gardens is open for business and diverts water for commercial use in the greenhouses. Transfer application proposes moving Sunnyside Gardens one mile to the east. Water will continue to be used for commercial purposes in greenhouses. In other words, Sunnyside Gardens is moving one mile down the street. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be injured by the proposed changes. The transfer was advertised and no protests were received as a result. The point of diversion is within the ESPA, but will not require a model simulation to be run as the new point of diversion is within the same ESPA cell as the current point of diversion.

Enlargement of Use:

The proposed changes will not result in enlargement since neither the rate, volume or irrigated acres will increase. The current water right is used in conjunction with canal shares from Idaho Irrigation District to irrigate landscaping outside of the greenhouses. The proposed place of use is within Progressive Irrigation District. Water from Progressive Irrigation District will be used for outside landscaping. The ground water rights will be stacked with irrigation district acres at the proposed place of use. Enlargement is not an issue.

Local Public Interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

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.