

MEMORANDUM

Date: October 1, 2018
To: Transfer 82526
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for water rights 35-14266 and 35-14267. These rights will be moved to the Melaleuca office building property, which is owned by South Interchange Properties LLC. Proposed place of use for water right 35-14266 is 2 acres of irrigation within a 23.8-acre permissible place of use. Proposed place of use for water right 35-14267 is 6 acres of irrigation within the same 23.8-acre permissible place of use.

Currently, the place of use is covered by water rights 35-13975, 35-14484, 35-14485 and 35-14486. Two of these rights, 35-13975 and 35-14484, are still owned by Natural Guardian LLC, and were moved to the Melaleuca property as a temporary irrigation supply, until permanent water rights could be secured. As a result of this transfer, Natural Guardian has now filed a transfer application to move 8 acre of water right 35-14484 off of the property. Therefore, the total authorized irrigation at the Melaleuca office property will continue to be 23.8 acres.

Authority to File: Dixie Bundy is the current owner of record for water rights 35-14266 and 35-14267. Dixie Bundy is the current owner of the existing place of use for the rights according to Bingham County taxlot records. Application was filed by Idaho Water Company. Application included an Option Agreement for Purchase and Sale of Water Rights authorizing Idaho Water Company LLC to file this application.

The property at the proposed place of use and point of diversion is owned by South Interchange Properties LLC. Luke Marchant, water attorney for South Interchange Properties LLC, filed the companion transfer application, proposing to move 8 acres of water right 35-14484 off of the property. This activity represents an understanding of and consent to the changes proposed by this application.

Water Right Validity: Water rights were decreed in 2002. Aerial photos show consistent irrigation of half of the authorized acres. The other half does not show obvious signs of irrigation. Application included an affidavit asserting that the property was irrigated three of the last five years with sprinkler hand lines for pasture grass. Forfeiture is not an issue.

Injury to Other Water Rights: No issues identified. Application was advertised and was not protested. Watermaster was notified of the transfer but did not provide comment. Application included analysis using the Departments transfer tool. Mitigation is not required. The amount of water will diverted at the proposed place of use will not change because of the companion transfer filed for water right 35-14484 by Natural Guardian LLC.

Enlargement of Use: No issues identified. Water rights will not be combined with the rights at the proposed place of use or with each other. Each right will maintain an individual acre limit and a distinct ArcMap shape within the 23.8 acre permissible place of use.

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.