

## MEMORANDUM

**Date:** October 24, 2016  
**To:** Transfer 81181  
**From:** Scott Stosich  
**Re:** Review & Evaluation of Sufficiency of Information

The purpose of the transfer is to change the place of use, point of diversion and add a point of diversion for a 2.8 acre portion of water right 29-13892. The transfer proposes to split off a 2.8 acre portion of water right 29-13892 and move it to Mill Creek Estates subdivision to provide irrigation for a park. Mill Creek Estates has not yet been built. Domestic supply for the subdivision (including irrigation of 1/2 acre per lot) is proposed in Application 25-14424, which has been protested.

### Authority to File:

The applicant is the current water right owner according to IDWR records. The applicant is not the landowner of the current place of use, but past documentation from an ownership change in 2009 shows Robert Rowland excluded the water rights when the land was sold to Merrill Materials LLC. A sale agreement is included, which shows the sale of the 2.8 acre portion of water right 29-13892 from Robert Rowland to Greater Idaho Falls Land Investments LLC. Another agreement is included showing the assignment of the purchased water right portion from Greater Idaho Falls Land Investments LLC to Higley Developments LLC. Higley Developments LLC is the current owner of the proposed place of use and points of diversion according to Jefferson County taxlot data from 2016. Higley Developments LLC will file an ownership change after the transfer is approved.

### Water Right Validity:

The water right included in this transfer was decreed in the SRBA in 2004. Aerial photography in 2009, 2011, and 2015 of the current place of use shows growing vegetation. Forfeiture is not an issue.

### Injury to Other Water Rights:

Other water rights will not be injured due to the proposed changes. The place of use and point of diversion are moving to a new location within the ESPA, requiring an ESPA model simulation to be run. The results showed the effects of pumping at the new points of diversion to not exceed 2 af/year, therefore no mitigation is required. The proposed changes were also advertised, and no protests were filed.

### Enlargement of Use:

The changes will not result in enlargement because neither the rate, volume or irrigated acres will increase as a result of the transfer.

### Local Public interests:

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.