MEMORANDUM

Date: January 24, 2024

To: Transfer 88666

From: Thomas Lafortune

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to relocate a 1-acre portion of water right 35-14650 to a property in Swan Valley. The split portion of this right will be renumbered to 23-11537. Upon approval of this transfer, a 1-acre portion of overlapping water right 1-10687 will be abandoned.

Authority to File: The application was prepared by Kristin Moore of Rocky Mountain Environmental Associates, Inc on behalf of the applicants, David and Connie Hogan. The application includes a contract signed by the water right owner on record, John Branca III, giving Rocky Mountain Water Exchange exclusive right to sell the water rights 35-14650 and 1-10687, as well as a purchase agreement between Rocky Mountain Water Exchange and the applicants. The applicant has authority to file.

Water Right Validity: Water right 35-14650 was decreed in the Snake River Basin Adjudication in 2004. Aerial imagery and WMIS records show consistent use of the right until 2017. The right has been leased to the Water Supply Bank each year since 2019, protecting it from forfeiture.

Injury to Other Water Rights: The application was advertised without protest. The applicant is proposing to move a ground water right from within the ESPA to a location outside of the ESPA. The proposed points of diversion are in an inactive ESPA Model cell that includes the Snake River. The application includes a model run of the ESPA Model V3.4 using the nearest active cell that also includes the Snake River. I believe setting up the model this way is most representative of past and proposed water use. Based on these inputs, the proposed transfer does not exceed the thresholds to require mitigation. Injury to other water rights is not a concern.

Enlargement of Use: Water right 35-14650 will be reduced by the acreage, diversion rate, and annual diversion volume being split to right 23-11537. To avoid un-stacking water rights, the overlapping 1-acre portion of right 1-10687 will be abandoned upon approval of this transfer. I also changed the start of the season of use from 4/1 to 4/15 to match the standard season 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.

Effect on Economy the Local Area: No issues identified.

Effect on Agricultural Base of the Local Area: 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.