

MEMORANDUM

TO: Transfer No. 85359

FROM: Daniel A. Nelson

DATE: June 7, 2022

RE: Evaluation of Application for Transfer

Sulbria Holdings LLC has filed a water right transfer on water rights 67-14643 and 67-146745 to retire 8.5 acres of irrigation to supply 22.7 acre-feet of water to cover the seepage and evaporation losses and the 9.6 acre-feet capacity of a pond located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26 in Township 15 North, Range 2 West B.M. The pond will be used for aesthetic and stockwater purposes. The pond is located on a property approximately 1.8 miles northeast of Cambridge Idaho. The point of diversion and remaining irrigation use will not be changed.

Scott King of HDR completed the application for transfer for the applicant. Michael Lawrence of Givens Pursley LLP is the attorney for the application.

Summary of Information Submitted

Authority to File:

The application was filed on water rights owned by Sulbria Holdings LLC. Sulbria Holdings LLC, is shown as the owner of the property in the Idaho Department of Water Resources tax parcel information. The point of diversion is on property owned by Fary Farrens. The point of diversion will not change and amount and time of delivery of water through the point of diversion will not be altered.

Water Right Validity:

The water rights were decreed on October 10, 2008, to Sulbria Holdings LLC. Sentinel imagery suggests that some irrigation has been accomplished on the 8.5 acres to be retired within the last 5 years.

Injury to Other Water Rights:

The application provides an analysis of the historical consumptive use of the 8.5 acres to be retired. The 22.7 acre-feet proposed by the application is based on the historical consumptive use of pasture grass on 8.47 acres. The calculations seem reasonable. The point of diversion and the conveyance system to the place of use will not be changed. The only changes will be on the property where the water is being used.

Enlargement of Use:

With the reduction of the 8.5 acres of irrigation and the historical consumptive use calculations, it does not appear to be any enlargement of use.

Local Public Interest:

There is no current evidence suggesting the application is not within the local public interest. The applicant is currently involved in a contested matter on water right transfer 84698, which is diverted from the same point of diversion. A comment letter will be sent during the advertising process to the applicant and attorneys for water right transfer 84698.

Beneficial Use/Conservation of Water Resources:

The application proposes the beneficial use of aesthetic and stockwater storage. The historic consumptive use calculations in the transfer application suggests that the change will comply with the conservation of water resources.

Discussion

The original application for transfer only included water right 67-14645. After a discussion with Mr. King, it was determined that water right 67-14643 would also need to be included in the application. Mr. King submitted an amended application for transfer on May 31, 2022, to include 67-14643.

Water rights 67-14643, 67-14645, and 67-14647 share a common permissible place of use. Therefore, water right 67-14647 must be included in the application for transfer as an associated water right. The conditions and place of use for water right 67-14647 will need to be altered to the 158.5-acre permissible place of use for all three water rights.

The calculations supplied to convert the irrigation use to a storage use is consistent with the standard used to make these calculations. However, there stockwater storage portion of this application does not take into account the number or type of livestock that would be using the pond for stockwatering purposes. Mr. King was contacted on June 7, 2022, to provide the calculations needed to reduce the stockwater storage portion to the amount of storage needed to adequately water the livestock. On June 9, 2022, Mr. King supplied an email showing that the stockwater storage amount should be reduced to 0.3 acre-feet. The pond should have 22.7 acre-feet for aesthetic use and 0.3 acre-feet for stockwater use for a total of 22.7 acre-feet.

This application is consistent with Idaho Code §42-222 and should be processed.