

MEMORANDUM

Date: January 18, 2022
To: Transfer 85349
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

Application 85349, as originally filed, proposed to add a point of diversion to water right 22-13273. The existing point of diversion is a well located 1/2 mile north of the place of use on property owned by Brittain Roberts. The proposed point of diversion is a new well to be constructed on the irrigation place of use. Application was protested by Fremont Madison Irrigation District. Protest was withdrawn on condition that the existing point of diversion be removed from the right, leaving the proposed point of diversion as the only diversion for this water right.

Authority to File:

The applicant is the current water right owner of record. Teton County tax lot data shows the applicant as the current owner of the proposed point of diversion and the place of use. Thomas & Barbara Laughlin are authorized to sign the transfer on behalf of the Thomas Carl Laughlin & Barbara Ann Laughlin Revocable Trust.

Water Right Validity:

The right included in this transfer was decreed in the SRBA in 2008. Review of 2009, 2011, 2015, and 2017 aerial photography shows growing vegetation on the current place of use. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

This transfer was advertised and received a protest from the Fremont-Madison Irrigation District, on the basis of possible injury. The protest was withdrawn with the condition that the original point of diversion be removed. The quantity authorized to be diverted will not change as a result of the transfer. Other water rights do not appear to be injured by the proposed change. Since this water right is not within a water district, no water master was contacted.

Enlargement of Use:

The proposed change does not appear to result in enlargement because neither rate nor volume nor irrigated acreage will increase as a result of the transfer. There are no overlapping water rights on the property.

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.