

MEMORANDUM

Date: December 6, 2019
To: Transfer 83688
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is add a third point of diversion to water rights 22-615B and 22-13406. The existing points of diversion (South Beard Ditch and Desert Ditch) will remain on the water right. The proposed new point of diversion (Kofoed Ditch) is closer to the irrigation place of use.

Authority to File:

The applicant, Susan Eirich, is the current water right owner of record. The applicant is the property owner of the current place of use, which is confirmed by the Teton County parcel map. The applicant does not own the property at the proposed point of diversion, but it is a historical ditch with multiple water rights where the local watermaster has access.

Water Right Validity:

The water rights included in this transfer were decreed in the SRBA in 2008. Review of 2013 and 2017 aerial photography does not show an signs of irrigation for a large portion of the place of use. The watermaster for Water District 1 confirmed that the subject water rights are very junior, both on South Leigh Creek and in the Upper Snake River. During most of the summer the rights are curtailed by senior rights on South Leigh Creek or on the Teton River. The water rights would only be deliverable for a short window in good water years and would not be deliverable at all in drought years. The Department does not have clear and convincing evidence of forfeiture.

Injury to Other Water Rights:

There is no evidence that other water rights will be injured by the proposed change. The proposed change was advertised and no protests were received. The Water District 1 watermaster does not oppose the approval of this application, as long as a specific condition requiring the water right owner to inform the water district of the specific quantities to be delivered at each point of diversion prior to the delivery of water is added to the water rights involved.

Enlargement of Use:

The proposed changes do not appear to result in enlargement because neither the rate nor irrigated acres 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.