

MEMORANDUM

Date: December 10, 2019
To: Transfer 83786
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

Water rights 22-429B and 22-13367 are appurtenant to the same 89 acre irrigation place of use. Both of the rights were decreed in November 2008. Water right 22-429B (the senior water right) listed three points of diversion on North Leigh Creek. Water right 22-13367 (the junior water right) only listed one. The property has recently been subdivided. This transfer proposes to address the point of diversion discrepancy prior to splitting the water rights. The transfer adds two points of diversion to water right 22-13367. Both water rights will now list the same three points of diversion.

Authority to File:

There are five applicants, Nolan and Margaret Parson, Shana and Gordon Whittaker, and Vern O'Brien, that together have demonstrated the authority to file. The original water right owner, and the name listed on the water right at the time of transfer submittal, was William O'Brien. The applicants provided land-ownership documentation, tracing ownership of their respective properties back to William O'Brien. Additionally, Teton County taxlot data indicated that the applicants are the owners of the subject properties. Ownership will be updated after transfer approval via a split of right 22-13367 and overlapping right 22-429B. A portion of right 22-429B is owned by each of the applicants. 22-429B lists the two additional points of diversion added to right 22-13367 in this application. The applicants have a historical easement to the points of diversion.

Water Right Validity:

The water right is valid. It was decreed in 2008. Review of post-decree aerial photography demonstrates consistent irrigation.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. Water right 22-429B included unique conditions about the points of diversion in Section 27. These conditions will also be included on water right 22-13367. The transfer was advertised and protested by Fremont Madison Irrigation District. Protest was withdrawn without condition. The Watermaster of WD01 was notified of the transfer and did not provide comment.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Neither rate or irrigated acres are authorized to increase.

Local Public Interest / Conservation of Water:

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.