

MEMORANDUM

Date: September 30, 2019
To: Transfer 83470
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the nature of use, period of use, and place of use for right 22-11960. 4.8 acres of irrigation under this right will be changed to wildlife storage in order to add another pond for wildlife habitat. Diversion to storage will be 0.35 cfs from an unnamed stream, tributary to Teton Creek, for 36.3 acre-feet of wildlife storage. Water will be stored in the pond year-round, from 1/1 to 12/31. The place of use for wildlife storage will be NW1/4 Sec 4 and NE1/4 Sec 5, T4N R45E. The points of diversion will not change.

Authority to File:

The applicant, William S. Graham Revocable Trust, has the authority to file. The applicant was the owner of record for the water right at the time of transfer submittal, according to the Department's database. Applicant is the owner of the existing and proposed place of use. The application was signed by William S. Graham, Trustee to the William S. Graham Revocable Trust.

Water Right Validity:

The water right is valid. It was decreed in 2009. Review of post-decree aerial photography indicates consistent irrigation of the acres proposed for nature of use change.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The transfer was advertised and no protests were received.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. An included "Changes in Nature of Use" attachment demonstrates that retiring the 4.8 irrigated acres will be sufficient to cover the initial fill of, and seasonal evaporation from, the pond. According to USGS topographic maps, the area proposed for the pond is marshy, supporting the applicant's claim that seepage from the pond will be negligible.

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.