

MEMORANDUM

Date: April 12, 2019
To: Transfer 82657
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the place of use, add a point of diversion, and add fire protection and aesthetic storage as beneficial uses to water rights 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610 and 22-13176. The applicant proposes to reduce the place of use by 6.5 acres, which will be used to cover the proposed fire protection pond and aesthetic pond volumes.

Authority to File:

According to IDWR records, the applicant is the owner of the water rights in the transfer. Teton County parcel data also shows the applicant as the owner of the proposed pump location and place of use.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 2008. Review of 2015 and 2011 aerial photography shows growing vegetation on the current place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

The transfer was advertised and protested, but was resolved by the addition of two conditions to each water right. In order to prevent injury, use of the new point of diversion will be allowed only when the Hog Canal headgate is shut, and the transferred rights will be subordinated to all other South Leigh Creek water rights. A draft transfer approval was circulated amongst the parties. The 3 protestants withdrew their protests subject to the conditions on the draft approval document. Two protestants included additional language on their protest withdrawals. However, the additional language on the withdrawal was adequately addressed in the draft approval document. Input from the Water District 1 Watermaster was also incorporated into the conditions of approval.

Enlargement of Use:

The proposed changes will not result in enlargement because neither rate, nor volume, nor irrigated acres will increase as a result of the transfer. In order to prevent enlargement 6.5 acres will be dried up to offset the water use associated with the two ponds.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

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.