

MEMORANDUM

Date: March 7, 2018
To: Transfer 82102
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for a 3-acre split portion of water right 22-14026. The POU for parent right 22-14026 will also be updated to correct an error found in the approval of Transfer 78527, which split off and moved 10 acres from 22-14026. The acres were proposed to be moved from SWNW in Section 12 T5N R45E, but instead were moved from SENE in Section 11 (relevant pages from Transfer 78527 are attached to this memo). This transfer will correct that error to represent the correct remaining POU for water right 22-14026.

Authority to File:

A purchase and sale agreement provided with the application states that the current owner, Gary and Shannon Summers, will convey a 3-acre portion of water right 22-14026 to the applicant, Charles Gaudet, once this transfer is approved. According to Teton County taxlot information, Charles Gaudet owns the property at the proposed point of diversion and place of use. The applicant noted that an ownership change will be filed after the transfer is approved.

Water Right Validity:

The right included in this transfer was decreed in the SRBA in November of 2008. Aerial photography does not indicate any recent irrigation, but the entire water right is currently leased to the Water Supply Bank, therefore, forfeiture is not an issue. The Water Supply Bank was notified of this transfer application. Once the transfer is approved, Gary and Shannon Summers, will contact the WSB to amend the current lease agreement removing the transferred portion of the water right.

Injury to Other Water Rights:

Other water rights will not be injured by the proposed changes. The sold acres at the current POU will be dried up, and the quantity authorized to be diverted will not change as a result of the transfer. The proposed changes were advertised and no protests were received.

Enlargement of Use:

The proposed changes will not increase the rate, volume or irrigated acreage. Existing place of use is within the Grand Teton Canal Company service area. However, shares are not associated with the existing place of use.

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.

WATER RIGHT NO. 22-14026
As Modified by Transfer No. 78527

In accordance with the approval of Transfer No. 78527, Water Right No. 22-14026 is now described as follows:

Right Holder: SHANNON SUMMERS AND
 GARY SUMMERS
 27 N 3000 E
 SUGAR CITY, ID 83448

Priority Date: 6/19/1961

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 04/15 **To** 10/15

Diversion Rate
 2,640 cfs
 2,640 cfs

Diversion Volume
 653.4 af
 653.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec 12 Twp 05N Rge 45E TETON County

PLACE OF USE: IRRIGATION

The transfer approval shows that the 10 acres was moved from the SENE instead of the SWNW QQ (as the application indicated)

Twp	Rng	Sec	NE			NW				SW				SE				Totals
			NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	45E	11			37.6													67.6
05N	45E	12	35.0	40.0				40.0	35.2									150.2

POU Total Acres: 217.8

CONDITIONS OF APPROVAL

1. The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than November 24, 2008.
2. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Transfer No. 78527

