

MEMORANDUM

Date: December 7, 2017
To: Transfer 81977
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to rearrange the place of use for water rights 22-256A, 22-2053B, 22-14138, and 22-14139. Water rights 22-256A and 22-2053B are limited to the irrigation of 49 acres. Water rights 22-14138 and 22-14139 are limited to the irrigation of 210 acres within a 216.7 acre place of use. This transfer combines the four water rights to create a new place of use which will be limited to 259 acres.

Authority to File:

Department records show the applicant as the current owner of the water rights. Teton County tax lot data shows the applicant as the owner of both the current and proposed places of use. The transfer application was signed by the applicant's attorney, who is authorized to sign on behalf of the LLC.

Injury to Other Water Rights:

Other rights will not be injured due to the proposed changes. The place of use is simply being rearranged to reflect acres being irrigated by a new pivot that was installed. Neither the point of diversion nor the quantity authorized to be diverted will change as a result of the transfer. Since it appears the proposed change will not adversely impact other water rights, this application will not require public notice.

Watermaster for WD01 initially provided a comment, asking that the following condition be added to the approval to avoid expansion: "Water rights 22-256A, 22-2053B, 22-14138, and 22-14139 have a combined place of use of 259 acres but are limited to irrigating only 210 acres after the priorities junior to 6/1/1889 on Mahogany Creek have been curtailed."

Water right 22-14138 (5/3/1889) authorizes 210 acres. Water right 22-256A (6/1/1890) authorizes 49 acres. An examination of water rights on Mahogany Creek revealed that there are only 0.20 cfs of water rights between the 5/3/1889 water rights and the 6/1/1890 water rights. Therefore, it is unlikely that the flows in Mahogany Creek would be high enough to supply a significant portion of the 5/3/1889 right without also partially filling the 6/1/1890 right. Such a scenario would not last for an extended period of time. The condition proposed by the watermaster was not adopted in the transfer approval. The respective priority dates were discussed with the watermaster and it was agreed that the proposed condition is not needed.

Enlargement of Use:

The proposed change will not result in enlargement because neither rate, nor volume, nor irrigated acreage will increase as a result of the transfer.

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.