

MEMORANDUM

Date: July 21, 2017
To: Transfer 81732
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use and point of diversion for right 27-7003.

Authority to File:

The Applicant, Tanner Lane Ranch, has the authority to file. According to Department records, Bryce Fielding and/or Mary Fielding own the water right. Application included a Consent signed by Bryce and Mary Fielding, authorizing Tanner Lane Ranch to transfer the water right to Tanner Lane's property. Fieldings will continue to own the right.

According to Bingham County taxlot data, Tanner Lane Ranch owns the property at the pre-transfer and post-transfer place of use. The application was signed by Rob Harris, the legal counselor representing Tanner Lane Ranch.

Water Right Validity:

The water right is valid. Transfer 80593, which rearranged the entirety of right 27-7003, was approved in 2016.

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. The post-transfer point of diversion is in an adjacent ESPAM2 model cell to the pre-transfer point of diversion. As such, an ESPAM2 model simulation was not required.

Enlargement of Use:

No enlargement of use will result from this transfer's approval.

Rate, volume, nor irrigation acres are authorized to increase.

At the time of transfer submittal, water right 27-7003 shared a combined place of use with water right 27-13B, a senior water right from the Blackfoot River.

At the post-transfer place of use, the water right will fully overlap with Blackfoot Irrigation Company shares. This stacking with the canal shares is codified in a "Water Shares Lease Agreement" included with the application.

Right 27-13B is a very senior water right on the Blackfoot River and is always available for diversion. Water rights held by Blackfoot Irrigation Company are less reliable. In drought years, the Blackfoot River rights and storage supplies are occasionally exhausted. To prevent enlargement, a condition was placed on right 27-7003 limiting the use of the right to only those times when water is available from Blackfoot Irrigation Company.

Dean Dreher
208 317-2327

Application included a lease agreement, wherein Dean Dreher agrees to lease 300 shares in Blackfoot Irrigation Company to Tanner Lane Ranch (to be stacked with water right 27-7003). IDWR contacted Dean Dreher to better understand the source of the 300 shares. Mr. Dreher stated that he has owned excess shares in Blackfoot Irrigation Company for many years. These excess shares are not needed for irrigation, so no acres will be dried up. The lease agreement states that Dreher owns 1,049 shares in Blackfoot Irrigation. According to Bingham County taxlot date, Dreher owns approximately 800 acres of ground within the service area of Blackfoot Irrigation. Not all of these acres are irrigable. The acreage amounts confirm the statements made by Dreher.

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.