

MEMORANDUM

Date: June 22, 2017

To: Transfer 81457

From: Michael Holliday

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion, place of use, and ownership of a 10 acre portion of right 22-207B. Right 22-631 was brought into the transfer as an associated right in order to update combined limits and other conditions.

Authority to File:

IDWR records show the applicant as the current owner of right 22-207B. However, one purpose of the transfer is to change the ownership of part of the right. The applicant, by special warranty deed, granted a 10 acre portion of the right to Floyd Gardner, who provided written assent to the transfer. Madison County taxlot data shows Gardner as the owner of the proposed place of use. The proposed point of diversion is located on the applicant's property.

Water Right Validity:

Right 22-207B was decreed in the SRBA in 2012. Therefore, forfeiture is not an issue.

Injury to Other Water Rights:

The proposed point of diversion (Bigler Slough Canal) is about a half mile downstream from the current point of diversion (Pincock-Garner Canal). There are no points of diversion on the Teton River between the current and proposed points of diversion. The Water District 1 Watermaster reviewed the application and commented that he does not oppose approval if the Pincock-Garner Canal approves of the change. However, since there are no other water rights associated with the canal, and since all the Pincock-Garner rights are now delivered through the Teton Island Feeder Canal, approval of the canal company will not be necessary. There is no evidence that the proposed change will reduce the quantity of water available to other water rights. The transfer application was advertised and no protests were filed.

Enlargement of Use:

The proposed change will not result in enlargement because neither rate nor irrigated acreage will increase as a result of the transfer. The transferred portion of 22-207B was reduced from 10 to 9 acres since Gardner only owns 9 acres at the proposed place of use. A combined acre limit was added to the changed portion of right 22-207B and associated right 22-631 in order to prevent enlargement.

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.