

MEMORANDUM

Date: December 9, 2015
To: Transfer 80568
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to correct a clerical error on the partial decree for right no. 22-13160. The legal description of the point of diversion on the partial decree showed range 45E, but it should have been range 46E.

Authority to File:

Department records show the applicant as the current owner of the water right. Teton County taxlot data also shows the applicant as the owner of the place of use. The transfer application was signed by the applicant's attorney, who is authorized to sign on behalf of the LLC.

Water Right Validity:

Right no. 22-13160 was decreed in the SRBA in 2008. Review of post-decree photography shows regular irrigation of the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be impacted by the proposed change. The current and proposed point of diversion is located in Wyoming and will not change. However, like other Idaho water rights diverted in Wyoming, the point of diversion shown on the partial decree is the point where the conveyance crosses the state line into Idaho. The partial decree was based on approved transfer 74019, which showed the correct location of the Kilpack pipeline intersection with the state line. However, the partial decree listed the wrong range for that point and did not reflect the approved transfer. There will be no physical change to either the point of diversion in Wyoming or to the location of the pipeline crossing into Idaho. Only the legal description will change in order to correct the clerical error.

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. Nothing will change except the legal description of the point where the pipeline crosses into Idaho.

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.