

MEMORANDUM

Date: April 11, 2014
To: Transfer 79251
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use for right 22-7501, and update ownership of the right. The point of diversion will remain unchanged.

Authority to File:

The applicant, Skyline Farms, has demonstrated its authority to file this transfer. The ownership of 22-7501 was changed in this transfer from Bruce J. Arnold to Skyline Farms based on a warranty deed supplied with the application.

The applicant owns the land off of which the water will move, according to Madison County taxlot data, updated 2/21/2013. Further, the applicant provided a warranty deed demonstrating Skyline Farms access to the proposed place of use.

The irrigated acres described in the proposed place of use are owned by four different parties: the Applicant, Bott Land, Inc., Theo Nelson, and Nelson Farms, according Madison County taxlot data, updated 2/21/2013. The applicant provided notarized agreements with all of the land owners authorizing Skyline Farms to irrigate the acres.

Bott Land, Inc. owns land in the SENW of Section 8, T06N R43E. Nelson's Farms Inc owns land in the SW 1/4 of Section 4, T06N R43E. Theo Nelson owns the land in the N1/2 of the NW1/4 of Section 9, T06N R43E.

Water Right Validity:

The water right is valid. It was licensed in 1992, and has been used consistently since; Landsat imagery demonstrates that the entire POU was watered in 2010.

Injury to Other Water Rights:

No injury to other users will occur as a result of this transfer. The POD will remain the same. No additional acreage will be authorized for irrigation, and neither rate nor volume diverted will be increased.

Enlargement of Use:

The ground that used to be covered by water right 22-7501 (prior to this transfer) will now be irrigated with shares in the Teton Pipeline Association. A contemporaneous transfer was filed by TPA to adjust TPA's service boundary to include the ground formerly irrigated by right 22-7501. TPA is still within the total acres authorized under its rights. Water right 22-7501 and the TPA water rights are not and have never been overlapping. Therefore, there are no enlargement concerns.

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.