

MEMORANDUM

Date: January 31, 2014
To: Transfer 78646
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to add a point of diversion/rediversion to each of the applicant's 40 water rights. A pump station located at the Linderman Dam will be a new point of diversion on the company's 26 surface water rights and a point of rediversion on its 14 ground water rights. The transfer also proposes to change the company service area.

Authority to File:

Department records show the applicant as the current owner of all 40 rights included in the transfer. The company is currently registered with the State of Idaho as a corporation in good standing. The applicant's attorney has authority to sign the application on behalf of the company.

Water Right Validity:

38 of the 40 rights included in this transfer were decreed in the SRBA in 2013. The other two rights are licenses issued in 1997. Review of aerial photography shows regular irrigation of the licensed places of use. Forfeiture is not an issue.

Injury to Other Water Rights:

The transfer application was advertised state-wide and was protested by BLM because the proposed service area included BLM-owned land. After the applicant amended the proposed service area to exclude BLM land, the protest was withdrawn. A second amended service area was submitted in January 2014 for the purpose of excluding land not owned by company shareholders. The BLM reviewed the second amended service area and determined that it too was acceptable.

Other water rights should not be impacted by the change because the quantities authorized to be diverted under the rights will not increase. The Water District 1 Watermaster reviewed the application and indicated that he did not oppose its approval if appropriate measuring devices were installed. The Watermaster said that, as long as adequate water from FMID and the exchange wells is injected into the Teton River to offset diversion in excess of the applicant's natural flow deliveries, there should be no injury to other water users.

Enlargement of Use:

The Water District 1 Watermaster expressed concern about possible enlargement of irrigated acres if this transfer is approved. The Watermaster recommended that the company identify specific acres to be irrigated within the service area every year. However, I determined that providing a shape file each year would not be necessary because of the lack of overlapping water rights within the service area. It will be easy to see if the company stays within its water rights by simply counting the irrigated acres within the digital boundary.

The proposed changes will not result in enlargement of use. In order to prevent enlargement, appropriate combined limit conditions will be placed on each right. The 38 partial decrees included in this transfer were limited to a combined total of 13,062 acres. Licensed rights 22-7221 and 22-7504 added 15 acres which were not included in the SRBA acreage count, bringing the new total to 13,077 acres. Neither the number of acres authorized for irrigation, nor the authorized diversion rate, nor the authorized volume will increase as a result of this transfer.

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.