

MEMORANDUM

Date: October 25, 2012
To: Transfer 78159
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the place of use for a water rights 22-56, 22-174A, 22-254B, 22-501B, 22-7049 and 22-7133. The applicant is the owner of a farm near Badger Creek that has partially been subdivided. The applicant is the current owner of four Badger Creek water rights (22-56, 22-174A, 22-254B and 22-501B) and two ground water rights (22-7133 and 22-7049). The applicant is seeking to consolidate the Badger Creek water rights (22-56, 22-174A, 22-254B, and 22-501B) and ground water rights (22-7133 and 22-7049) onto 449.1 acres. Transfer 77152 was filed simultaneously seeking to un-stack 11.0 acres from water right 22-7133 to be used for irrigation, fire protection storage and aesthetic storage within a subdivision. This transfer will also remove the surface and ground water rights from the platted subdivision. The applicant will be using existing points of diversion. Water rights 22-56, 22-174A, 22-254B, 22-501B, 22-7049 and 22-7133 when combined will now be limited to 449.1 acres. The acres under these water rights were proportionately reduced. The rates of diversion for the surface water rights were reduced but still maintain their original rate of diversion per acre ratios. The ground water rights rates of diversion will remain the same. The rates of diversion per acre ratio for the ground water rights are less than 0.02 cfs/acre.

In order to process transfer 78152 and 78159 simultaneously, water right 22-7133 had to be pre-split and assigned to a transfer. Water right 22-7133 was pre-split into 22-14058 (78152) and 22-7133 (78159). The approval document for transfer 78152 will illustrate how the split occurred.

Water right 22-174A carries a combined use limit condition that limits it along with rights 22-56 and 22-254B to the irrigation of 362.5 acres. Water right 22-254B carries an acre limit condition that limits the water right to the irrigation of 384.0 acres. In reviewing the history under these water rights there appears to be an acre limit discrepancy under water right 22-174A. The assumed acre limit under right 22-174A should be 384.0 acres. Rather than going through a process to change the acre limit for this water right, the combined use limit condition which limits water rights 22-174A, 22-56 and 22-254B to the irrigation of 362.5 (334.1 acres after the consolidation) will be removed.

Ground water rights 22-7049 and 22-7133 when combined are limited to 2.6 cfs. This combined rate of diversion limits the total volume to 1031.4 acre-feet.

Authority to File:

The applicant is the current owner of water rights per IDWR record and owner of proposed place of use per Teton County taxlot data (updated 5/14/2012).

Validity:

Water rights were decreed in 2008. Forfeiture is not an issue.

Injury to Other Water Rights:

Badger Creek water rights are regulated by Water District 01. Ground water rights are not regulated by a water district. The watermaster for Water District 01 does not oppose transfer. This transfer was advertised and there are no protests.

Enlargement of Use:

No enlargement issues identified.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is not clear inconsistency with the criteria set forth in Section 42-222, Idaho Code.