

MEMORANDUM

Date: October 25, 2012
To: Transfer 78152
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the point of diversion, change the place of use, change the period of use and change the nature of use for a portion of water right 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). These water rights in combination authorize the irrigation of 487.3 acres. The applicant is seeking to un-stack 11.0 acres from ground water right 22-7133 and exclusively use it for irrigation, fire protection storage and aesthetic storage for a subdivision. Three ponds will be utilized to store water for fire protection (2 ponds) and aesthetic storage (1 pond) purposes. To mitigate for the annual fill and evaporation losses from the three ponds, the applicant will be drying up one acre out of the 11.0 acres being transferred. The remaining ten acres will be used to irrigate lawns within the subdivision. The applicant will drill a new well.

According to the transfer application, the total volume proposed to be transferred is in error. The proposed rate of diversion can only produce 23.8 acre-feet ($0.06\text{cfs} \times 1.9835 \times 200\text{days}$). The proposed volume will be reduced to 23.8 acre-feet.

The applicant simultaneously filed a second transfer (78159) which seeks to reduce and consolidate the overlapping Badger Creek water rights 22-56, 22-174A, 22-254B and 22-501B, and ground water rights 22-7133 (remaining portion) and 22-7049. Transfer 78159 will result in the Badger Creek water rights and ground water rights being limited to a combined total of 449.1 acres.

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 water right 22-7133 was split.

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:

Transfer 78159 was filed at the same time proposing to reduce and consolidate overlapping water rights from Badger Creek and overlapping ground water rights. 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.