

MEMORANDUM

Date: August 29, 2012
To: Transfer 77830
From: kmathews
Re: Transfer Evaluation

Transfer No. 77830 for water right no. 22-535 and 22-2095 proposes to: change the nature of use, add a point of diversion, correct an existing point of diversion and change the period of use on a portion of the rights.

Teton County Fire Protection District is requiring that the applicant have a fire pond on the property. The applicant is proposing to transfer .02 cfs/1.1 af from water right no. 22-535 and .01cfs/.5 af from water right no. 22-2095 to a pond for Fire Protection Storage, Recreation and Wildlife use. The transferred portion of these rights will have a new period of use from 01/01 to 12/31. Flow through for the pond will be obtained through a new permit for appropriation based on a non-consumptive use. The applicant will dry up one acre of irrigation to cover the evaporation loss associated with the pond. The remaining .28 cfs (22-535) and .19 cfs (22-2095) will continue to be used for the irrigation of 16 acres.

Authority to file:

The water right is currently in the name of Peter and Trudy Linn, and the place of use is within their property boundaries. The application was signed by both parties. One point of diversion located at T04N, R46E, Sec. 30 of the NWSESW quarter is within the boundary of property owned by the applicant. The corrected point of diversion at T04N, R46E, Sec. 31 of the SWNWNE quarter is located on property owned by the BLM. The applicant submitted an easement from BLM for the corrected point of diversion.

Validity of the Water Right:

Water rights 22-535 & 22-2095 were decreed on November 24, 2008. The water rights have been used to irrigate acreage on the property and forfeiture is not an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. The application was advertised. A protest from Fremont Madison Irrigation District was submitted to the Department. The protestant determined that this transfer would not injure their water-rights and withdrew their protest. The water master for WD 1 was contacted, no comments were received.

Enlargement of Use:

No 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 criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.