

MEMORANDUM

Date: December 15, 2010
To: Transfer 74354
From: dcarlson
Re: Transfer Evaluation

This transfer proposes to change nature of use and period of use for 0.42 cfs of the existing water right and create a permissible place of use for the remaining irrigation portion of the water right. The nature of use on the altered portion will change from irrigation to diversion to storage. There will also be recreation storage and fire protection storage elements added to the right. Applicant intends to create 7 ponds for recreation and fire storage. They will have a total surface area of 7.2 acres and will have a volume of 28.8 af. The volume of storage for fire protection was limited to 1.7 AF based on correspondence with Keith Wilson of Rocky Mountain Environmental who submitted documentation stating the last pond in the system is the only pond used for Fire Protection and it has a surface area of 0.24 acres.

Authority to File:

Applicant is the owner of record as far as the SRBA recommendation.

Water Right Validity:

This water right was recommended in the SRBA in 2007. Forfeiture is not an issue.

Injury to Other Water Rights:

In Water District 01. Watermaster gave his ok. Transfer was advertised to determine any protests. One protest received from Fremont Madison Irrigation District and later resolved by agreement with the two parties. Water right is currently used on property and is not being moved elsewhere and no additional water is being moved onto property. Diversion from the creek will remain the same.

Enlargement of Use:

There is no evidence of enlargement of use. The mitigation plan submitted by applicant is sufficient to meet standards set by IDWR for the fill and evaporation associated with the ponds and the number of acres to be dried up as an offset. The mitigation plan assumes that the ponds will need to be completely refilled on an annual basis. There will likely be some amount of carryover water from the previous year, so the mitigation plan is conservative and sufficiently offsets the new uses.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue identified. A pump test performed by Forest Lake LLC during January of 2007 has shown that the fire pond can meet the minimum pumping requirement 2.3.6.5 and 2.3.7 of the Teton County Fire Protection Resolutions for Subdivisions. Water Flow Certification in file.

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