

MEMORANDUM

Date: November 2, 2023
To: Transfer 88383
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion and ownership of a 2.4-acre portion of water right 22-13814. The new water right (split portion) has been assigned water right number 22-14571.

Authority to File:

The applicant has provided sufficient documentation for the ownership change. Teton County tax lot data shows the applicant as the owner of the place of use and point of diversion. The applicant has authority to make the change.

Water Right Validity:

The right included in this transfer was decreed in the SRBA in 2008. The parent right, 22-13814, was in the Water Supply Bank from March 2014 to December 2018. Aerial photos suggest that the place of use for water right 22-13814 has not been irrigated since the SRBA partial decree was issued in 2008. Applicants confirmed that the right has not been used since then, but provided documents showing the place of use for water right 22-13814 had no access to the authorized point of diversion, which is located on a neighboring property, since prior to 2008. Applicants argue that legal access to the original point of diversion is out of the control of the property owner. The Department does not have clear and convincing evidence of forfeiture at this time.

Injury to Other Water Rights:

Other water rights do not appear to be injured by the proposed change. Original point of diversion and proposed point of diversion are less than 300 feet apart. The transfer was advertised without protest. Since this water right is not within a water district, no water master was contacted.

Enlargement of Use:

The proposed change does not appear to result in enlargement because neither rate nor volume nor irrigated acreage will increase as a result of the transfer.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

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.