

MEMORANDUM

Date: September 10, 2025
To: Transfer 90050
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to create a 160-acre permissible place of use for the irrigation of 57 acres within a subdivision and to update ownership.

Authority to File:

IDWR records show Ironwood Land LLC as the current owner of water right 22-13808. According to Teton County parcel data, the applicant (Ironwood HOA) owns roughly 60 percent of the current and proposed places of use, most of which is open space or roads within the subdivision. The remainder is owned by those who have purchased subdivision lots. Ironwood HOA provided sufficient evidence to update the ownership of 52.9 acres of the 60-acre right. Ownership of the remaining 7.1 acres will not be changed in the transfer. Ironwood HOA owns the point of diversion and controls and manages the water delivery system. The application was signed by Luke Marchant, attorney for the applicant.

Water Right Validity:

Right 22-13808 was decreed in the SRBA in 2008. Since then, review of aerial imagery shows that only 1 acre of the 52.9-acre portion of the right owned by the applicant has been consistently irrigated. On page 6 of the application for transfer the applicant indicated that a portion of the right had undergone a period of five or more consecutive years of non-use. The applicant said that the non-use was "because of circumstances over which the water right owner had no control." The applicant also said "the owners of the property have not been able to build homes and develop the property as had been planned." While it may be true that the sale of lots and the building of homes was beyond the control of the applicant due to various economic factors, the lack of development would not prevent irrigation of the property. In fact, the lack of development would in some ways make it easier to put the water to beneficial use. The applicant owns most of the water right and most of the land and could have irrigated it using the existing well or its Garden Water Company shares. Therefore, it appears that a 51.9-acre portion of this right has been forfeited due to non-use from 2009 through 2023.

Injury to Other Water Rights:

Other water rights will not be impacted by the proposed transfer. The point of diversion will not change, and the total number of acres authorized to be irrigated will be reduced. Because the transfer will have no hydrologic impact, public notice will not be required.

Enlargement of Use:

The proposed changes will not result in enlargement because the authorized diversion rate and acreage will not increase as a result of the transfer. The applicant's portion of right 22-13808 will be reduced by 51.9 acres.

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.