

MEMORANDUM

Date: July 26, 2022
To: Transfer 86449
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to rearrange the place of use for nine overlapping water rights from Big Timber Creek. Approximately 110 acres will be changed. The transfer will remove the water rights from acreage to be covered by Permit 74-16187, to avoid overlap with that permit. The Department will issue Amended Permit 74-16187 in the near future as part of the Lemhi Basin Settlement. This transfer application was contemplated by the settlement agreement and IDFG and IWRB agreed to not protest the proposed changes.

Authority to File: Application was signed by Rob Harris, attorney for Kurt and Janet Bird. Kurt Bird owns the existing and proposed places of use according to Lemhi County parcel data.

Water Right Validity: The SRBA Court issued partial decrees for the subject water rights in 2007 and 2008. Aerial photos show consistent irrigation of the place of use. Some of the water rights held by Bird are junior and are only available for a short time period in the early summer or not at all during drought years. Therefore, some of the acres only show signs of active irrigation in good water years.

Injury to Other Water Rights: No issues identified. Points of diversion will not change. Water rights were combined and changed in a 2014 transfer. Application will not have an hydrologic impact and was not advertised. Watermaster for Water District 74W was notified of the application and did not provide comment.

Enlargement of Use: No issues identified. Water rights bear numerous combined limits. These combined limits will all be carried forward on this application.

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.