

MEMORANDUM

To: Transfer 83622

From: Ashley Ritter

Date: October 7, 2020

Re: Review & Analysis of Application for Transfer 83622

Purpose: Eagle Valley Ranch LLC (Eagle Valley Ranch), with the assistance of The Upper Salmon Basin Watershed Program submitted an application for transfer that proposes adding an additional point of diversion (POD) to several existing surface water irrigation rights (74-173, 74-179C, 74-215, 74-2348, 74-15740 and 74-15891). The transfer application does not propose to change the place of use (POU). The additional POD is proposed to be added as part of an irrigation efficiency project and is sponsored by the Lemhi Soil and Water Conservation District.

Overlap Analysis:

Overlap analysis indicates that the proposed POD is located on Bohannon Creek in the SESE of Sec 15, Twp 21N, Rge 23E and is commonly referred to as LBC-6. LBC-6 is currently a POD for water rights 74-722 (an irrigation right for 0.11 cfs, 5.4 acres, owned by Eagle Valley Ranch), 74-15844 (a fish propagation right owned by the State of Idaho), and 74-179D (an irrigation right for 1.9 CFS, 99.7 acres, owned by Betty W. Stokes).

The proposed POD is within Water District 74C and water master comments were solicited, with no response.

Authority to File:

According to available Lemhi County tax lot information, the applicant, Eagle Valley Ranch, currently owns the property at the location of the proposed POD.

Water Right Validity: Water rights 74-215, 74-173, 74-2348, and 74-15740 (all decreed within the SRBA in 2007) share the same permissible place of use (PPU), and available 2015 and 2017 DRG data show irrigation use was utilized at the authorized PPU.

Water rights 74-179C and 74-15891(both decreed within the SRBA in 2007) share the same PPU (different PPU than water rights 74-215, 74-173, 74-2348, and 74-15740), and available 2015 and 2017 DRG data show irrigation use was utilized at the authorized PPU.

There are no water right validity issues at this time.

Injury to Other Water Rights:

Water right 74-179C (priority date: 06/01/1897) and water right 74-15891 (priority date: 03/09/1912) share an existing POD that is located the greatest distance downstream from the new proposed POD (when evaluating all water rights proposed in this transfer). The existing POD (diversion name known as Bo-14) is the POD for seven (7) other water rights. One (1) of the seven (7) rights is owned by the State of Idaho (utilized for fish propagation, and the other six water rights are for irrigation use (see Table 1 below for details)).

Basin	Sequence	Suffix	Priority Date	Diversion Rate	Water Use List	Current Owner	Total Acres	Acre Limit	Volume
74	178	A	3/9/1912	1.000	IRRIGATION	STOKES, BARBARA A; STOKES, BOYD E	272.1	149.1	
74	179	A	6/1/1897	2.080	IRRIGATION	STOKES, BARBARA A; STOKES, BOYD E	272.1	103.3	
74	179	B	6/1/1897	1.500	IRRIGATION	STOKES, BARBARA A; STOKES, BOYD E	272.1	149.1	
74	179	D	6/1/1897	1.900	IRRIGATION	STOKES, BETTY W	99.7		
74	180	A	3/9/1912	1.000	IRRIGATION	STOKES, BARBARA A; STOKES, BOYD E	272.1	111.3	
74	15890		3/9/1912	0.950	IRRIGATION	STOKES, BETTY W	99.7		
74	15839		1/30/2008	0.800	FISH PROPAGATION	STATE OF IDAHO			390.4

Table 1: Water rights that utilize the same (current) POD as water right 74-179C & 74-15891.

Water Right 74-173 (priority date: 04/19/1910): The current POD (diversion name known as Bo-13 or LBC-04) is the POD for four (4) additional water rights, three (3) of which are Eagle Valley Ranch rights (74-15845, 74-15081, and 74-15466), and one (1) is a State of Idaho water right (74-15838 priority date: 01/30/2008) for fish propagation. Water right 74-173 is senior to these water rights, and thus would have priority in the upper Bohannon Creek reach. At its current POD (before the proposed added POD with this transfer application) 74-173 could make a call for water on these other water rights since it is the senior water right. There are no known reasons to suggest the new proposed POD is located in a more water-poor reach of Bohannon Creek which would cause the owner of water right 74-173 (Eagle Valley Ranch) to make more frequent calls for water on these other water rights than what has occurred previously.

There are nine (9) additional water rights that utilize POD's between the current POD for water right 74-173 and the POD that is proposed to be added through transfer application 83622. Six (6) of the nine (9) rights are water rights owned by Eagle Valley Ranch. The three additional water rights consist of a State of Idaho water right (74-15845 priority date: 01/18/2008) for fish propagation, a United States water right (74-15466 priority date: 06/28/1934) for in-stream stockwater use, and one (1) irrigation water right (74-15081 priority date: 03/9/1912) for 3.1 acres, owned by Sidney and Frances Cook.

Water Rights 74-2348, 74-215, & 74-15740: All three (3) of these water rights have existing POD's on Bohannon Creek that are located upstream from the proposed POD.

Although injury may be a concern for downstream water right users (downstream from the proposed POD), the majority of water rights that divert from Bohannon Creek are owned by Eagle Valley Ranch. Also, this transfer application is proposed as part as an irrigation efficiency project, which in all likelihood, will not cause injury to other water users, but improve current irrigation practices utilized from Bohannon Creek.

Enlargement of Use: This transfer proposal will not authorize additional overall diversion of water nor any increase in beneficial use.

Local Public Interest: There are no apparent issues identified. Application is subject to public notice.

Beneficial Use/Conservation of Water Resources: This proposed transfer will not change the authorized beneficial use under this right. The transfer appears consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area: No negative effect is anticipated from this transfer.

Effect on Agricultural Base of the Local Area: No negative effect is anticipated from this transfer.

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.

Eagle Valley Ranch transfer 83622

Yenter, Cindy

Sent: Wednesday, April 01, 2020 10:44 AM

To: Hersley, Jean

WD170 has no objections to this approval.

Cindy Yenter

Watermaster, Water District 170

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