

MEMORANDUM

Date: 7/30/2019

To: Transfer 81964

From: Clay Webster

Re: Review & Evaluation of Sufficiency of Information

The department received an application from SPF Water Engineering on behalf of Flying Joseph Ranch on October 18, 2017. Then we received an amended application on 5/15/2019 and a second amended application in response to watermaster concerns and a stipulated settlement agreement with Idaho Fish and Game. This application proposes to transfer 73.4 acres of the irrigation component of 73-147A, 73-10041 and 73-12110 to Wildlife, Aesthetic, and Recreation Storage and Diversion to Storage. To enlarge an existing pond from an 11-acre surface area to a 27-acre surface area. Their proposal will reduce the authorized storage volume of the existing pond from 88.0 af to 86.4 af.

It also proposes to create an irrigation Place of Use reducing from 2,365.6 irrigable acres to 1,894 irrigable acres water rights 73-32, 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-10040, 73-10041 and 73-12110. This proposal will remove water right 73-2165 from this group of rights to be used with the ground water rights identified in transfer 81963. This right has historically been used to increase diversion and not increase irrigated acres of this group of rights. This POU is located East of Pahsimeroi Valley Rd and Bart Lane in Custer and Lemhi Counties.

This proposal will add a new point of rediversion to Big Creek water right 73-32. This POD is located in the **SWSE, T13N, R23E, S20** on Flying Joseph Ranch property Southeast of the airstrip. It is 1/2 mile Southwest of where McCoy Ln. curves on the Flying Joseph Ranch property in Lemhi County. According to the application and map this proposed POD is a rediversion point of the Big Creek water that is diverted through the California Ditch and injected into the Pahsimeroi River. Flying Joseph Ranch already has this proposed (rediversion) POD in section 20 authorized under Pahsimeroi River rights 73-147A, 73-150D, 73-10040, and 73-189 as well as Goldburg Creek right 73-147C along with Big Creek rights 73-10041, 73-12110 and 73-12260. Water right 73-32 is already authorized to divert the water down the California Ditch and inject the water into the Pahsimeroi River. This proposed additional POD will clarify where the rediversion is made to the Flying Joseph Ranch property from the Pahsimeroi River.

Authority to File:

Current county parcel data lists ownership of the property for this place of use as owned by Flying Joseph Ranch LLC. This application was signed by Joe Clark. He is listed on the Idaho Secretary of State Website as a member.

Water Right Validity:

73-32, 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040, 73-10041 and 73-12110 were decreed in the SRBA in 2010. 73-32, 73-10023, 73-10041 and 73-12110 were subject to transfer 80878 in July 2016 to add a point of diversion. 73-147A, 73-10041 and 73-12110 were subject of transfer 75708 which changed the nature of use of a portion of irrigation to authorize an 11 acre pond.

Injury to Other Water Rights:

This transfer will not authorize any additional diversion of water nor any additional irrigable acres. It will change the place of use of this water system to a smaller place of use to reflect current irrigation practices. This application will be advertised to address any concerns of owners of neighboring water rights.

Enlargement of Use:

Overall irrigable acres for WRs 73-147A, 73-10041 and 73-12110 will be reduced by 73.4 acres to

accommodate the evaporation losses associated with the larger surface area of the pond. The pond spreadsheet was provided showing that the total volume needed for this pond is 240.2 af (86.4 afa for fill and 153.8 af for seepage and evaporation). The consultant has provided a precipitation deficit evaluation using Grass Pasture-low management for this evaluation. The change in nature of use of 73.4 acres will provide 131.4 af per year. When you add the 110.9 af per year of rights for the existing pond you have enough volume to cover the total requirement of 240.2 af for the proposed pond. $131.4 + 110.9 = 242.3$.

Pahsimeroi River right 73-189 was split by ownership change in August 2017 to 73-189 and 73-12260. The 35 acres of 73-189 represented by 73-12260 overlapped the larger place of use of Big Creek rights 73-10041 and 73-12110. The applicant has proposed to reduce the acreage of the overlapping rights by the common 35 acres from rights 73-10041 and 73-12110 to avoid enlargement of these acres.

Big Creek rights have a lower rate per acre than the Pahsimeroi River water rights. 73-10041 provides 0.003 cfs per acre while 73-189 and the split portion (73-12260) provide 0.02 cfs per acre. Correspondence from the consultant indicates that they wish to retain the diversion rate on reduced irrigable acres (35 less acres from the split of right 73-189) on the remaining acres of their system.

Combined limit conditions will be carried over from these water rights as well as an overall combined limit to eliminate an enlargement of use.

Local Public Interest:

There is a minimum stream flow (MSF) right (73-7045) for the Pahsimeroi River. This proposed transfer will not allow for increased diversions and should not negatively effect this MSF. As proposed, this transfer will clarify the manner that these water rights are diverted, injected and rediverted to provide a clearer understanding of how this water is delivered to the place of use. This place of use and points of diversion fall within Water District 73 and 170. Comment was be requested from the watermasters and this application was advertised to address concerns. Watermaster comments and a stipulation agreement with Idaho Fish & Game have resulted in the application amendment received 4/4/2019.

Beneficial Use/Conservation of Water Resources:

The beneficial uses proposed under the transfer appear consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area:

No effects are anticipated.

Effect on Agricultural Base of the Local Area:

This proposal will reduce 73.4 irrigable acres. This should have a minimal effect on the local agricultural base.

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.