

MEMORANDUM

Date: July 7, 2020

To: Transfer 84007

From: Michael Holliday

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to move the L-10 point of diversion about a half mile upstream. All the rights associated with L-10 are included in the transfer. The transfer also clears up an inconsistency on right 74-4005D. In 1982 right 74-4005A was decreed in the Lemhi Adjudication to Eldon and Edna Jolley for 7.02 cfs on 234 acres. The decree included a condition limiting it to 233.8 irrigated acres. In the SRBA, right 74-4005A was claimed as decreed in 1982, but the claim was split by ownership change in 1999 into 74-4005D and 74-4005E. The total acres and diversion rate were split properly in the ownership change, and the acre limit condition was properly reduced on the recommendation and subsequent decree for 74-4005E. However, the condition limiting the right to 233.8 irrigated acres remained on the recommendation and decree for 74-4005D, which shows a 9-acre place of use. The condition will be removed in the transfer approval in order to resolve the inconsistency.

Authority to File:

IDWR records show the applicants as the current owners of the water rights, and Lemhi County parcel data show the applicants as the owners of the irrigation places of use. The fish screen location for 74-1684 will change slightly, but will be within the same QQ. The proposed screen location and point of diversion is owned by Eagle Valley Ranch LLC. Since the LLC is a co-applicant, additional easement documentation is not necessary. A search on the Idaho Secretary of State webpage showed that Nikolaos Monoyios is authorized to sign on behalf of the LLC.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 2007, and aerial photos show regular irrigation of the places of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights should not be impacted by the proposed change. There are no other diversions located between the current and proposed points of diversion, and there is no evidence that the proposed change will reduce the quantity of water available to other water rights. The transfer application was advertised and no protests were filed. The Water District 170 watermaster reviewed the transfer and did not oppose its approval. The Water District 74 watermaster did not provide comment.

Enlargement of Use:

The proposed change will not result in enlargement because neither rate 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.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

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.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/2/2020

Water Right 74-4005A

Owner Type **Name and Address**
Current Owner ELDON JOLLEY
 PO BOX 712
 SALMON, ID 83467

Current Owner EDNA Z JOLLEY
 PO BOX 712
 SALMON, ID 83467

Priority Date: 4/20/1878

Basis: Decreed

Status: Superseded by Decree

Source
LEMHI RIVER

Tributary
SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	7.020 CFS	
	<u>Total Diversion</u>		7.020 CFS	

Source and Point(s) of Diversion

LEMHI RIVER NWSE Sec. 33, Twp 21N, Rge 23E, LEMHI County

Place Of Use

IRRIGATION within LEMHI County

T21N R22E S25	SWNE	4.0
T21N R22E S25	SENE	27.0
T21N R22E S25	NESE	16.0
T21N R22E S25	SESE	4.0
T21N R23E S30 L2	SWNW	9.0
T21N R23E S30	NESW	25.0
T21N R23E S30 L3	NWSW	32.0
T21N R23E S30 L4	SWSW	20.0
T21N R23E S30	SESW	37.0
T21N R23E S30	SWSE	22.0
T21N R23E S30	SESE	2.0
T21N R23E S31	NWNE	36.0
POU Total Acres:		234.0

Conditions of Approval:

1. AC. IRR.=233.8.
DIV. L-10.

Dates and Other Information

Decreed Date: 12/30/1982

Civil Case Number: 4948

Judicial District: Seventh District

AGREEMENT

L-10

THIS AGREEMENT, Made and entered into this 26th day of July, 1961, by and between EMMET P. REESE and ELEANOR S. REESE, husband and wife, hereinafter called the parties of the first part, and the STATE OF IDAHO for the use and benefit of the Department of Fish and Game, hereinafter called the party of the second part, witnesseth:

That for and in consideration of the mutual promises of each party, the parties of the first part hereby give permission to the party of the second part to construct, operate, maintain, alter, renew and remove a self-cleaning fish screen and fish by-pass thereto all within and across a canal or ditch known as the "Reese Ditch" and located in Lemhi County, Idaho, upon the lands of the parties of the first part at a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, S. 33, T. 21 N., R. 23 E., Boise Meridian, which point is approximately 290 feet east and 300 feet south of the northwest corner thereof, said fish by-pass to run from said fish screen to the adjacent stream course known as the Lemhi River.

The party of the second part is given the right and privilege of using the present existing road through premises of the parties of the first part and if necessary to extend said road in length but not in width, providing the extension of said road is done at the location determined and specified by the parties of the first part.

It is further understood and agreed that the party of the second part shall enter the premises at the risk of the party of the second part and at no time will the actions of the party of the second part interfere with the irrigation of the premises or other regular use thereof of the parties of the first part and said party of the second part shall properly clean up any of the premises where any work has been done by the party of the second part, it being specifically understood and agreed that this permission as hereinabove set forth from the parties of the first part to the party of the second part is for the sole and exclusive use of the party of the second part and shall not create any easement or right-of-way for the general public or anyone other than the said party of the second part.

In construction of the fish by-pass, the department will assume responsibility for the future stability of any dike, ditch or canal bank, or similar structure penetrated by said by-pass, in the immediate, contiguous and adjacent area disturbed by the penetration and installation of the by-pass pipe.

All such installations placed on, within and across said canal or ditch by the department shall be and remain the property of the department and may be removed by the department at any time.

IN WITNESS WHEREOF, The parties hereunto have set their hands, the day and year first above written.

E. P. Reese
Eleanor S. Reese
Parties of first part
STATE OF IDAHO
Department of Fish & Game
By Ross Leonard Director

STATE OF IDAHO
County of Lemhi--SS

On this 26th day of July, 1961, before me, the undersigned, a Notary Public in and for said State, personally appeared Emmet P. Reese and Eleanor S. Reese, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

Frederick Hughes Snook
Notary Public for Idaho, Residing at Salmon, Idaho.

Instrument No. 97364 (Continued)

STATE OF IDAHO
County of Ada--SS

On this 12th day of January, 1962, before me, the undersigned, a Notary Public in and for said State, personally appeared Ross Leonard, known to me to be the Director of the State of Idaho Department of Fish and Game, that executed said instrument and acknowledged to me that the State of Idaho Department of Fish and Game executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.

(SEAL)
State of Idaho)
County of Lemhi) ss

Anne Epeldi
Notary Public for Idaho, Residing at Boise, Idaho

Recorded at the request of State of Idaho, Dep't. of Fish and Game, August 2nd 1962 at 32 minutes past 8 o'clock A. M., in Book E of Agreements Pages 521-22 Records of Lemhi County, Idaho

Paul Adams County Recorder

Fees, \$2.10

By W. Eugene Butler Deputy