

MEMORANDUM

Date: November 1, 2017
To: Transfer 80150
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use, change point of diversion, add a point of injection and add points of re-diversion for water rights 74-740, 74-741, 74-742 and 74-7147. This application was filed as part of a settlement agreement described under permit 74-16008. The applicants seek to change the place of use for these water rights to match the same 186.2 acre place of use described under permit 74-16008. The applicant also seeks to add a point of injection and two points of re-diversion for these water rights to correctly reflect how water is diverted at the applicant's 186.2 acre place of use.

Water under these water rights is diverted from the Lemhi River through the L-31 diversion. Water will be injected into Agency Creek (NESE, Sec 20, T19N, R24E), then re-diverted from Agency Creek at two re-diversion points (NESE, Sec 20, T19N, R24E; NWSW, Sec 20, T19N, R24E).

The total authorized under these water rights as described under part 1B1 is in error. The total authorized under the water rights should be 5.35 cfs (see final order issuing permit 74-16008; Herbst).

Authority to File:

The applicants are the current owner of water rights per IDWR record and owners of the property at the proposed place of use and at the proposed point of injection and points of re-diversion per Lemhi County parcel information system. Rob Harris who is the applicant's attorney signed the application.

Water Right Validity:

Water rights 74-740 and 74-742 were decreed in 2007 and water rights 74-741 and 74-7147 were decreed in 2009. Aerial photography from 2006-2015 shows land consistently irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

These water rights are regulated by WD 74 and 74-M. No points of diversion are physically changing. Applicants seek to identify the locations for their diversion points. Watermaster does not oppose the application. This transfer was advertised and protested by the Idaho Water Resource Board. The Water Resource Board protested this application to ensure that the water rights being changed will be consistent with the final settlement agreement under permit 74-16008. The Water Resource Board has withdrawn their protest.

Enlargement of Use:

Water rights involved in this transfer when combined authorized the irrigation of 186.2 acres. These water rights in combination will be limited to 186.2 acres. No enlargement issues identified.

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.