

MEMORANDUM

Date: February 11, 2014
To: Transfer 78777 File
From: Jeff Cooper
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the Point of Diversion (POD), Place of Use (POU), Nature of Use, and Season of Use for a one-acre portion of Big Wood River Irrigation right 37-21260, currently authorized for 2.5 acres of irrigation on a parcel located approximately 3.7 to 3.8 mi. S & 0.3 to 0.4 mi. E of Ketchum on the east side of HWY 93 (Aspen Hollow Lot 19A, BLK 2). Application proposes to change the POU of this one-acre portion to accommodate 0.9 acres of irrigation at property located approximately 1.3 to 1.4 mi. N & 0.6 to 0.7 mi. W of Hailey (Flying Heart Ranch No. II, Lot 21A). Application proposes to irrigate this 0.9 acres from a 0.2-acre pond (POD) located on a portion of Purdum Slough (Big Wood River), adjacent to the proposed POU. Application also proposes to change the nature and season of use of a portion of 37-21260 (0.1 acres, 0.3 AF) to mitigate the consumptive portion of maintaining this pond as a year-round aesthetic feature. This Application for Transfer was filed with companion application for permit 37-22838, which proposes to divert 0.6 AF from the Purdum Slough (Big Wood River) for the non-consumptive portion of the pond.

It should be noted the application for transfer T78777 describes the proposed POD in TWP 03N, RNG 18E, SEC 32 NESWSE as being on the Purdum Slough. Historically, the Department has ruled that the Purdum Slough is essentially treated as a portion of the Big Wood River, allowing PODs to be decreed along its channel. The slough primarily flows to the north of the property and returns to the Big Wood River north of the proposed POD in the SWNW of Sec. 32. However, decrees for other PODs have been made on the same or similar channels as the proposed POD, even at locations further south and have been defined as being on the Purdum Slough. Because of this, it is recommended that the proposed POD be described as being Big Wood River, similar to those decrees.

The proposed irrigation/aesthetic pond is approximately 0.2 acres in size and has a volume of 0.6 AF. The consumptive evaporative loss for this size of pond, according to the Hailey Ranger Station ET Data for shallow water is 0.3 AF (1.26 AFA/Acre). Applicant indicates that right 37-21260 was used to irrigate grass pasture on the acres proposed to be used to mitigate this consumptive portion of the pond, which according to the Hailey Ranger Station ET Data has a consumptive value of 2.10 AFA/Acre. Based on these values, the applicant must dry up 0.14 acres ($0.3/2.10 = 0.14$) under 37-21260 to cover this use.

It should also be noted that rights 37-21258 & 37-21262 are also appurtenant to the same 2.5 acres as right 37-21260, and when combined are limited to 0.12 CFS. Rights 37-21258 (0.04 CFS) & 37-21262 (0.04 CFS) were decreed with individual acre limits of 0.6 acres, for a total of 1.2 acres out of the over 2.5 acre POU. The remaining 1.3 acres is covered by right 37-21260, which has no acre limit with the 2.5 acres. The 1.0-acre portion being transferred represents 40% of this 2.5 acre right and is equivalent to 0.05 CFS of the overall 0.12 CFS for right 37-21260. Accordingly, the flow rate was reduced to 0.07 CFS & 1.5 acres for the remaining

portion of 37-21260. To ensure there is no enlargement of the remaining rights, the combined flow for 37-21258, 37-21260, and 37-21262 were reduced to 0.07 CFS and the combined acres to 1.5 acres. It should also be noted that the applicant also proposes to leave a 0.01 CFS in the Big Wood River for mitigation purposes associated with the agreement between the Big Wood Canal Company (protestant) and the applicant. Originally, it had been proposed to leave the 0.01 CFS in the Comstock Ditch.

Proposed changes occur with the Big Wood River Water District (WD37) therefore Watermaster comments will be solicited and appropriate conditions will be recommended for approval.

- **Authority to File:**
Applicant is authorized to pursue the transfer of a portion 37-21260 under an Agreement for Purchase and Sale of Water Right, signed by the current owner, Christie Haugh, and the applicant, 2007 Terence J Creighton Revocable Trust on February 25, 2013.
- **Water Right Validity:**
Right 37-21260 was partially decreed in the SRBA on September 5, 2012, therefore forfeiture is not an issue.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. Combined conditions on associated rights will be reduced accordingly.
- **Local Public Interest:**
No negative impact anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

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.

Before Transfer

Right	37-21262	37-21258	37-21260
Source	Clear Creek	Big Wood River	Big Wood River
Use	Irrigation	Irrigation	Irrigation
CFS	0.04	0.04	0.12
Acres	0.6	0.6	2.5

Combined Limit

CFS	0.12
Acres	2.5
Rights	37-21260 37-21258 37-21262

After Transfer

Right	Parent	Source	Uses	Acres	CFS	AFA
37-21262	N/A	Clear Creek	Irrigation	0.6	0.04	
37-21258	N/A	Big Wood River	Irrigation	0.6	0.04	
37-21260	37-21260	Big Wood River	Irrigation	1.5	0.07	
37-28841	37-21260	Big Wood River	Irrigation Aesthetic Storage Mitigation	0.9 0.1	0.03 0.01 0.01	0.14

Combined Limits

CFS	0.07
Acres	1.5
Rights	37-21260 37-21258 37-21262

Pond Surface Area (Acres)	Consumptive Requirement (AFA)*	Acres required to be dried up under 37-21260**
0.2	0.3	0.1

*Based on Shallow Water (1.26 AFA) Hailey Station

**Based on Grass Pasture High Management (2.10 AFA) Hailey Station