

MEMORANDUM

Date: November 26, 2013

To: Transfer 78843

From: Kerrie Mathews

Re: Transfer Evaluation

Transfer No. 78843 for water rights 74-222, 74-224, 74-225 and 74-228, proposes to change the place of use for the water rights.

The transfer application was originally submitted with only water right 74-222. Water rights 74-224, 74-225 and 74-228 were found to partially overlap water right 74-222. An amended application was submitted to include all of the water rights.

All of the water rights when combined authorize the irrigation of 226.5 acres. This transfer proposes to combine the water rights onto a 222-acre place of use. The rights in combination authorize 5.84 cfs / 226.5 acres (0.0258 cfs per acre). This same diversion rate to acre ratio will be preserved after the transfer. The rights in combination will authorize the diversion of 5.72 cfs for the irrigation of 222 acres (0.0258 cfs per acre)

Authority to file:

All of the Water rights are currently in the name of Bar 13 Ranch LTD Partnership. The current place of use is also in the name of Bar 13 Ranch.

Validity of the Water Right:

Water rights 74-222, 74-224, 74-225 and 74-228 were decreed on July 9, 2007. Aerial photography does not show consistent irrigation of the full 226.5 acres. However, the applicant submitted copies of IDWR drought declarations for Lemhi County for 2007, 2012 and 2013. Two of the water rights, 74-225 and 74-228, carry junior priority dates and would not be available during drought years. The watermaster for the area, Rick Sager, provided an affidavit stating that Bar 13 Ranch diverts all of the water available from Pattee Creek. The reduced amount of irrigation is a direct result of a lack of water in Pattee Creek. Forfeiture is not an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. The application was advertised, no protests were received. The water master for WD74K was notified of the transfer and did not provide comments.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.