

MEMORANDUM

Date: November 21, 2013
To: Transfer 78847
From: mholliday
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for rights 74-544B and 74-544C. The applicants, along with the other water users on their ditch, have filed several transfers for the purpose of eliminating the L-1 diversion dam on the Lemhi River. The applicants cooperated with IDFG, USBR, and NRCS in the design of a new pump and pipeline delivery system, located about 2000 feet downstream from the current point of diversion. They seek to move their water rights from the L-1 ditch to the new pump in order to increase irrigation efficiency, and to enhance fish passage for the benefit of ESA listed species.

This transfer also proposes to change the legal description of the place of use of right no. 74-544C. While there is no physical change in the land being irrigated, the transfer is necessary to correct an error in the SRBA decree. It appears that when the agent reviewed the adjudication claim, she selected the wrong parcel as the basis for her recommendation of the place of use. Consultation with the Lemhi County Assessor's office confirmed that the selected parcel was never owned by the decreed water right owner. The place of use description after the transfer will match the place of use originally claimed in the SRBA by the applicants' predecessor.

Authority to File:

The applicants are the current water right owners of record on both water rights, and county taxlot data confirms their ownership of the proposed places of use.

Water Right Validity:

The water rights included in this transfer were decreed in the SRBA in 2007. Review of post-decree aerial photography indicated regular use of the water rights since the time the partial decrees were filed. Forfeiture is not an issue.

Injury to Other Water Rights:

Injury to other rights is not apparent. There are no diversions on the Lemhi River between the current and proposed points of diversion. The transfer was advertised in the local paper and no protests were filed.

Enlargement of Use:

The water rights included in this transfer are stand-alone rights that do not contain combined limits with other rights. It is unlikely that the short downstream change in point of diversion would enhance the water supply to fill these rights. The proposed changes will not result in enlargement of use. Neither rate nor acreage will increase. The transfer proposes no change to the quantity of water diverted from the Lemhi

River, but it is likely that less water will be diverted due to the change from flood to sprinkler irrigation.

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.