

MEMORANDUM

Date: August 9, 2013
To: Transfer 78653
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for water rights 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-10037 and 73-10063. Circle Pi, LLC is cooperating in conservation projects with state and federal agencies to provide additional flow in Sulfur Creek and the Pahsimeroi River located near their ranch. This is one of three transfer applications that have been filed simultaneously in response to these conservation projects. To provide more flow in Sulfur Creek and the Pahsimeroi River Circle Pi, LLC filed one ground water transfer (transfer 78650; water right 73-7025) and two ground water applications for permit (73-12219 and 73-12220) seeking to divert groundwater to irrigate a combined 263.5 acres within their ranch. Through this transfer the applicant proposes to dry up 263.5 acres under water rights 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-10037 and 73-10063 to mitigate for the ground water diversions. Drying up 263.5 acres under the water rights will free up approximately 6.27 cfs of water which will remain in the Pahsimeroi River. The nature of use for the portion of these water rights being used for mitigation will remain as irrigation. A condition of approval will be placed on these water rights indicating that they are being used to mitigate for the ground water rights. This transfer will change the place of use for water rights 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-10037 and 73-10063. The proposed place of use is for 626.1 acres. Of the 626.1 acre place of use, 263.5 acres will fully overlap the place of use described under water right 73-7025 and permits 73-12219 and 73-12220. The 263.5 acres that fully overlap the ground water rights is the portion of water rights 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-10037 and 73-10063 being used for mitigation.

The applicant seeks to change the point of diversion for water rights 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-10037 and 73-10063 from the P-13 diversion to a new pump station located on the Pahsimeroi River. The source of water for these water rights includes the Pahsimeroi River, Patterson Creek, Sulfur Creek, Springs and Unnamed Stream. All Sources of water under these water rights will be diverted from the Pahsimeroi River through the new pump station.

Currently water rights 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-10037, 73-10063 and 73-7025 (ground water) authorize the irrigation of 723.8 acres. After the proposed changes under transfers 78654 (97.7 acres), 78653 (362.6 acres for irrigation, 263.5 acres and 6.27 cfs for mitigation) and 78650 (106.0 acres; ground water), and the addition of two ground water permits (73-12219 and 73-12220), the total acres proposed to be irrigated remains at 723.8 acres.

Authority to File:

The applicant is the current owner of water rights per IDWR record. The applicant is the owner of the proposed place of use per Custer County taxlot data (updated 2012). The applicant is the property owner where the new diversion is located. Ben Yates who is the manager of Circle Pi, LLC signed the application.

Water Right Validity:

Water rights were decreed in 2010. Forfeiture is not an issue.

Injury to Other Water Rights:

These water rights are within WD 73. No injury issues identified. This transfer was advertised and there are no protests. The watermaster was notified of the application but did not provide comment.

Enlargement of Use:

No 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.