

MEMORANDUM

Date: June 11, 2013

To: Transfer
78574

From: Blake Jordan

Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use for water rights 73-12181 through 73-12192. Pursuant to a "Stipulation to Resolve Objections" Big Creek Ranch (applicant) and the BLM (applicant) filed this transfer seeking to change the place of use to their water rights. As part of the applicant's stipulation agreement, 36.0 acres from water rights 73-12182, 73-12184, 73-12186, 73-12188, 73-12190 and 73-12192 owned by BLM will be split and moved to property owned by Big Creek Ranch. The remaining 26.4 acres owned by BLM will be rearranged to cover irrigated ground located on their property. Both Big Creek Ranch and BLM will use the same irrigation conveyance system.

The transfer application describes a 599.3 acre permissible place of use located on land owned both Big Creek Ranch and the BLM. In combination water rights 73-12181 through 73-12192 authorize the irrigation of 495.9 acres and a diversion rate of 18.2 cfs. The intent of the transfer application and the way the transfer application was filled out is somewhat confusing. After further review of the transfer application and the applicant's stipulation agreement, the applicants intend to have separate places of use for their water rights. Big Creeks water rights in combination will authorize the irrigation of 469.5 acres within a 572.9 acre permissible place of use, which is located on their property. The total rate of diversion for the Big Creek Ranch water rights is 17.24 cfs. BLM's water rights in combination will authorize the irrigation of 26.4 acres, which is located on their property. The total rate of diversion for the BLM water rights is 0.96 cfs. Since the Big Creek Ranch and BLM water rights utilize the same irrigation system, the department will allow the applicants to describe two separate places of use under one transfer application.

According to the applicants, the point of diversion (Source of water is Big Creek) located in the SESW of 13N, 24E, Section 18 will no longer be used. This point of diversion will be removed from the water rights that divert from Big Creek.

Authority to File:

The applicants are the current owners of water rights per IDWR record and owner of proposed places of use per Lemhi County taxlot data (updated September, 2012). The ownership for the 36.0 acres being moved onto Big Creek Ranch LLC property will remain in BLM's name. The stipulation agreement entered into by the applicants does not convey ownership of the 36.0 acres being split from water rights 73-12182, 73-12184, 73-12186, 73-12188, 73-12190 and 73-12192 to Big Creek Ranch.

Water Right Validity:

Water rights were decreed in December, 2011. Aerial photography shows land to be irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

Water rights are within WD 73. No points of diversion are changing. The point of diversion on Big Creek located in the SESW of 13N, 24E, Section 18 will no longer be used and will be removed from the Big Creek water rights. This transfer application will be processed with no advertisement. The watermaster for WD 73 was notified about the transfer application but did not comment. There are no injury issues identified.

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.