MEMORANDUM

Date: September 27, 2012

To: Transfer 77938

From: mholliday

Re: transfer evaluation

This transfer proposes to combine ten water rights into a single permissible place of use due to a proposed change in the irrigation system, which includes conversion from flood irrigation to sprinkler irrigation on most of the place of use. The applicant seeks to increase irrigation efficiency, to reduce labor expenses and ditch maintenance, and to enhance stream connectivity for the benefit of ESA listed fish species.

Changes to the irrigation system include the elimination of the L-54 and L58A ditches on the Lemhi River and the use of L-57 and L-58 for all ten rights on the transfer. Two diversions from springs tributary to Lee Creek will also be used in the delivery of rights 74-1665 and 74-7250B.

With the exception of right nos. 74-2263 and 74-7250B, the water rights included in this transfer are stand-alone rights that do not contain combined limits with other rights. A few of the shape files in the water rights layer do show a small amount of overlap, but it is clear from the Lemhi Decree map that no overlap was intended for these rights, except for right nos. 74-2263 and 74-7250B. The place of use of related transfer no. 78007 is fully overlapped by the place of use for this transfer.

Rick Sager, the watermaster for Water District 74, did not provide written comment, but indicated over the phone that he was not opposed to the approval of the transfer. The Water District 74-Z watermaster also indicated that he was not opposed to the approval of this transfer.

It should be noted that on the second page of the amended transfer application the total rate transferred shows 13.48 cfs. The correct total rate transferred is 13.6 cfs, which is consistent with the quantity that was advertised. The clerical error occurred because the applicant adjusted the diversion rate on the application for 74-7250B after the license was amended, but forgot to make the corresponding adjustment to the total amount transferred.

Authority to File:
The applicant is the current water right owner of record on all ten water rights, and county taxlot data confirms that the applicant is the owner of the entire proposed place of use. An Idaho business entity search revealed that Merrill Beyeler is a manager of the company and therefore has authority to sign the application on behalf of Beyeler Ranches. The mortgage holder provided its assent to the transfer.

Water Right Validity:
Right no. 74-7250B was licensed in July 2012. The other nine 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. No portion of these rights appears to have been lost due to forfeiture.

Injury to Other Water Rights:
Injury to other rights is not apparent. The transfer was advertised statewide and no protests were filed.

In order to prevent injury to other rights delivered via the LBSC-5 diversion, this transfer proposes to leave 1.00 cfs in the ditch for conveyance losses. This amount appears reasonable. The Water District 74 watermaster recently measured the ditch in several places in order to determine conveyance losses. He

estimated losses to be near 25 percent, which is less than the rate that the transfer proposes to leave in the ditch. Conversation with the watermaster confirmed that more than 3.4 cfs from Lemhi Big Spring Creek always reaches the Lemhi River and that the rights on the two streams are administered to a common priority date.

It is not necessary to account for conveyance losses in the L-58A diversion due to the filing of related transfer 78045, which proposes to move right 74-2025B to the LBSC-5 diversion.

Enlargement of Use:
The proposed changes will not result in enlargement of use. Less acres will be irrigated under these rights than are authorized without the changes. The transfer proposes no change to the quantity of water diverted from the streams, but it is likely that less water will be diverted due to the change in irrigation system from flood to sprinkler irrigation. When subtracting the 1 cfs left in the LBSC-5 ditch, the proposed diversion rate per acre is very close to the rate per acre prior to the transfer.

The diversion from the springs tributary to Lee Creek occurs very close to the confluence of Lee Creek and the Lemhi River and is the last diversion within Water District 74-Z. This transfer proposes an injection into and rediversion from the Lemhi River of rights 74-1665 and 74-7250B. The proposed conditions of approval for these rights prevent enlargement by limiting rediversion from the Lemhi River to times when water is available at the springs source and by measurement requirements at the points of injection and rediversion.

Local Public Interest:
No issues identified.

Beneficial Use / Conservation of Water Resources:
No issues identified.

Review of the application reveals no clear inconsistency with the criteria set forth in Section 42-222 Idaho Code preventing processing of this application.