

MEMORANDUM

Date: July 17, 2012
To: Transfer 76901
From: bjordan
Re: Transfer Evaluation

Eagle Valley Ranch LLC is seeking to change the place of use and reconfigure the irrigation delivery system for their upper Bohannon Creek water rights (74-175, 74-176, 74-181, 74-182, 74-183, 74-184, 74-377 and 74-7155). This transfer will change points of diversion, add points of diversion and/or change place of use for the water rights listed above.

Authority to File:

The applicant is the current owner of water rights per IDWR record. Eagle Valley Ranch is the current property owner per Lemhi County taxlot data.

Validity:

Water right 7155 is a licensed water right. The other water rights were decreed in 2007. Forfeiture is not an issue.

Injury to Other Water Rights:

Within WD 74C. Watermaster did not comment on transfer. This transfer was advertised and protested by the BLM. The basis of the protest was that Eagle Valley Farms LLC is not authorized to use the federal public lands described in the transfer application. In order to resolve the protest the applicant would have to: (1) Remove the place of use from federal public lands; (2) Exclude federal public land from the place of use and shapefile; (3) Clarify that mixed ownership described under the water rights place of use does not include federal public lands.

This transfer was amended and now excludes federal public lands from the proposed place of use and shapefile. A condition of approval was placed on each of the water rights stating that the place of use does not include federal public lands.

The current points of diversion for the water rights involved in this transfer are located on Bohannon Creek within the general area described under the proposed place of use. The applicant seeks to construct two new points of diversion and utilize an existing point of diversion commonly known as B-4A. The applicant will be consolidating all their upper Bohannon Creek water rights to three points of diversion which are located on their property within the general area described under the proposed place of use. No injury issues identified.

Enlargement of Use:

Water rights 74-771, 74-773, 74-774 and 74-776 which are diverted from a spring overlap with some of the water rights involved in this transfer. The re-modified place of use for the Bohannon Creek water rights proposed under this transfer will still fully overlap water rights 74-771, 74-773, 74-774 and 74-776. No enlargement issues identified

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue 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 application.