

MEMORANDUM

Date: May 04, 2011
To: Transfer 77009
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change water rights 74-31, 74-158, 74-159, 74-160, 74-2289, 74-2326, 74-871 and 74-7185 as follows:

Place of Use: 74-31, 74-158, 74-159, 74-160, 74-2289, 74-2326, 74-871 and 74-7185
Point of Diversion: 74-31, 74-158, 74-159, 74-160, 74-2289 and 74-2326
Add Point of Diversion: 74-158, 74-159, 74-160, and 74-2289

The primary intent of this transfer is to improve anadromous rearing habitat in Canyon Creek and Big Timber Creek. The applicant is seeking to add a point of diversion located below the confluence of Canyon Creek and the Lemhi River for the Canyon Creek water rights (74-158, 74-159, 74-160, 74-2289). Currently, water right 74-31 (Big Timber Creek) authorizes the diversion of water from the Lemhi River. The applicant is seeking to change this point of diversion downstream of the Lemhi River. Adding a point of diversion on the Lemhi River for the Canyon Creek rights and changing the Lemhi point of diversion for the Big Timber Creek water right will allow additional water to flow in the two creeks and improve rearing habitat for the anadromous fish. The applicant also seeks to change the point of diversion for water right 74-2326 (Hawley Creek). Many years ago this water right was moved downstream to the current point of diversion located in the NENE of 16N, 26E, Section 34.

The applicants transfer application is trying to accomplish multiple changes for their water rights that should probably be accomplished on separate transfers. However, since the applicant is ultimately combining the place of use for the water rights and the purpose of the applicants transfer can still be easily understood, we will approve these multiple changes with one transfer.

Authority to File:

The applicant is the current owner of water rights 74-31, 74-158, 74-159, 74-160, 74-2289, 74-2326, and 74-871 per IDWR record and Lemhi County taxlot data (June, 2010). Ground water right 74-7185 was decreed on both Beyeler Ranches and Leadore Land Partners property which, according to the applicant, is an SRBA error that they thought was resolved. Instead of setting aside the partial decree and fixing this error in the SRBA court, the applicant provided a quitclaim deed from Leadore Land Partners; conveying to Beyeler Ranches any portion of water right 74-7185 that is appurtenant to their property.

Water Right Validity:

Water rights 74-31, 74-158, 74-160, 74-2289, 74-2326, 74-871 and 74-7185 were decreed in or after 2007. Water right 35-159 is currently a recommended water right in the SRBA. Forfeiture is not an issue.

Injury to Other Water Rights:

Within WD 74 and/or 74-W. The water master for water district 74-W does not oppose transfer. The water master for water district 74 did not comment. No injury issues identified. Application was advertised and was not protested.

M E M O R A N D U M

Enlargement of Use:
No 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.