

MEMORANDUM

Date: February 18, 2011
To: Transfer 74597
From: jcefalo
Re: Transfer Evaluation

This transfer proposes to add a point of diversion to four water rights. The new POD is on an existing ditch that leads to a gravity pipeline system. The other water right in the ditch, 74-1097, is used by Lois Bean. The gravity system was actually installed in 2008 and has been used since that time. The new POD is located 1/4 mile upstream of the existing PODs for rights 74-265 and 74-2319. The new POD is located 1 mile upstream of the existing POD for rights 74-979 and 74-980. The owner of the new POD, Lois Bean, has given written authorization to use the ditch and to place the collection box for the gravity pipeline on her property.

The new POD is located on Trail Creek, a tributary to Basin Creek. The ditch takes off of Trail Creek 250 feet from the confluence with Basin Creek. According to the applicant, the ditch only diverts 50% of the water in Trail Creek during low flow months.

Two of the water rights, 74-979 and 74-980, were transferred to Basin Creek from another tributary, Bear Creek, through an earlier transfer. These water rights will continue to be limited to the flows available at the original point of diversion on Bear Creek.

Spoke with Tom Curet, an Idaho Fish and Game supervisor for the upper Lemhi. The area of Basin Creek involved in the transfer is not part of any ongoing fish restoration projects. Basin Creek goes dry during the summer in stretches downstream of the Heinz property. He is not concerned that fish projects will be impacted by moving PODs in this area of the creek. He will have his staff look at the transfer in depth when it is advertised to the public. Fish & Game will file a protest if there is a concern.

This transfer should have been filed as two separate transfers because it deals with two sets of unrelated water rights. Because the department has sat on this transfer for nearly three years, however, and has never in that time requested an amendment or an additional transfer fee from the applicant, it would be unfair to demand amendments and additional fees at this point. The transfer will be processed as filed.

Authority to File:

Applicant is the owner of record according to the partial decree issued in the SRBA in 2007. Applicant is the listed owner of the POU according to Lemhi County taxlot information.

Water Right Validity:

This water right was partially decreed in the SRBA in 2007. 2004 and 2006 aerial photos show the land was being irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

In Water District 74. Watermaster does not oppose application, but has requested installation of measurement devices. Transfer was advertised and there are no protests. Watermaster does not oppose transfer.

Only one water right is located between the existing POD and the proposed POD. Right 74-260 in the

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name of Ralph and Lois Bean authorizes the diversion of 0.10 cfs. The Beans have already consented to this transfer by authorizing the use of their ditch and property. It is unlikely that the Bean right will be impacted by the transfer. The gravity pipeline eliminates the portion of water needed to offset conveyance losses and may actually decrease the total amount of water diverted from Basin Creek.

Enlargement of Use:

There is no evidence of enlargement of use.

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.