

## **M E M O R A N D U M**

**Date:** April 22, 2010  
**To:** Transfer 76357  
**From:** bjordan  
**Re:** Exchange Evaluation

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This exchange proposes to change the point(s) of diversion from Lemhi Little Spring Creek and Springs to the Lemhi River for water rights 74-1574 and 74-1576. Application for transfer 75827 was submitted to the Idaho Department of Water Resources as a result of the Lemhi Little Springs diversion elimination project which proposes to eliminate four irrigation diversions on Lemhi Little Springs. The elimination of these four lower irrigation diversions is vital to the success of the restoration project in the Little Springs area. Transfer 75827 proposed to change the place of use and point of diversion along with converting irrigation system from flood irrigation to sprinkler irrigation. The Applicant proposed to divert water rights 74-1574 and 74-1576 from the L-47 diversion; which is downstream from where Lemhi Little Spring Creek and the Lemhi River meet together. However, transfer 75827 was protested by Rand Robison. Rand Robison diverts water out of the L-47 diversion and wants to leave things as they are.

On February 12, 2010 IDWR received a letter from Rand Robison withdrawing his protest if the applicant moved their proposed point of diversion. To resolve the protest the applicant has chosen to move the proposed point of diversion from the L-47 diversion to the L-49 diversion; which is upstream from the confluence of Lemhi Little Spring Creek and the Lemhi River.

As a result of the proposed new point of diversion being changed from L-47 diversion (below the confluence) to the L-49 diversion (above the confluence) the applicant needed to submit an Application for Exchange Water and withdraw transfer 75827. The applicant has withdrawn transfer 75827.

In this exchange the applicant will be changing the point(s) of diversion and place of use for water right(s) 74-1576 and add a point of diversion, change point of diversion and change place of use for 74-1574. The point of injection is located in NWNE of 17N, 24E Sec. 25.

Water right 74-1574 is authorized to irrigate 14.1 acres as per existing explanatory condition. The land list for this water right was updated to show 14.1 acres. Water rights 74-1574 and 74-1576 when combined are authorized to irrigate 193.4 acres.

### **Authority to File:**

Applicant is the current owner of water rights per IDWR record and quit claim deed. A portion of water right 74-1576 located in the NESW of 17N, 25E, Sec 30 is located on Robert Amonsons property. Applicant was able to obtain a quitclaim deed relinquishing this portion of water right. The applicant is the current owner of proposed place of use per 2009 taxlot data. Carl Snyder signed the application.

### **Water Right Validity:**

Water right 74-1574 was decreed in 2007 and water right 74-1576 was decreed in 2008. Forfeiture not an issue.

### **Injury to Other Water Rights:**

Within WD 74. There are no existing point(s) of diversion between the applicants proposed point of diversion on the Lemhi and point of injection. No evidence of injury.

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Water master does not oppose this exchange.

Exchange was advertised and there were no protests.

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.