

MEMORANDUM

Date: June 2, 2009
To: File
From: Nick Van Dyke
Re: Summary of Transfers 74724, 74741

Transfers 74724 and 74741 as approved on December 31, 2008 did not accomplish the goal of reconnect between Big Timber Creek and the Lemhi River as intended by there respective applications. A February 20, 2009 order withdrawing both transfers was issued as a result. Applicant collaborated with Department staff and Fish and Game staff in re-working the applications. Amended applications were received on May 8, 2009. In general the applications propose adding a point of diversion from the Lemhi River for two Big Timber Creek rights to allow additional water to flow down Big Timber Creek to the Lemhi aiding fish migration. The transfers will also rearrange acreage covered by all the rights to place Big Timber/Lemhi Water on a specific place of use and Little Timber Creek water on a separate place of use. Below the transfers are discussed in more detail:

- **74724** involves rights 74-37, 74-39A, 74-15213, and 74-996. All are Big Timber Creek rights minus the exception of 74-996 which is a Lemhi River right. Currently all three Big Timber rights are diverted in the NWNW Section 33, T16N, R26E. The Lemhi right (74-996) is diverted in the SESE of Section 28, T16N, R26E. The transfer will add a point of diversion for **only** rights 74-39A and 74-37 in the NWSE of Section 20, T16N, R26E from the Lemhi River. This new point of diversion **will not** be added to 74-15213, which is a high flow claim of 21cfs. The new point of diversion will pump the water to the proposed place of use through a pipeline. The applicant intends to retain the original point of diversion in Section 33 for flexibility/backup purposes. The point of diversion for the Lemhi right will not change.

All 4 rights will be arranged into a 487.8 acre place of use, consisting of one new/one existing pivot and some additional ground. Only Big Timber/Lemhi water will be used on these 487.8 acres.

- **74741** involves rights 74-38 and 74-15212, both Little Timber Creek rights. Transfer **will not** change the point of diversion for either right. The place of use for both rights will be modified into a 139 acre place of use. The reduction in acres from the before transfer amount of 365.6 acres to 139 increases the rate per acre for Right 74-38 above and inch/acre. However applicant submitted information estimating conveyance losses at 2.1cfs, bringing the rate per acre for 74-38 under and inch/acre. See 4/14/09 email in file for more information. Only Little Timber water will be use on these 139 acres.