

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF TRANSFER)
APPROVAL NO. 85776 IN THE)
NAME OF SEJMK LAND LLC)**

**PRELIMINARY ORDER
RESCINDING TRANSFER**

On January 31, 2022, SEJMK Land LLC ("SEJMK") filed Application for Transfer 85776 ("Application 85776") with the Idaho Department of Water Resources ("Department"), proposing to change the point of diversion for and add a point of diversion to water right 29-342. The application was signed by Steve East, owner of SEJMK. The application proposed to remove the existing point of diversion (on Birch Creek) from water right 29-342. The Department issued an approval for Transfer 85776 on June 9, 2022.

On July 14, 2022, the Department received a letter from Steve East, asking the Department to rescind the approval for Transfer 85776. The letter stated:

I . . . did not realize that the point of diversion [proposed to be removed from the right] is the [Birch Creek] point of diversion we [still] need to send the water down the ditch to our pond After reconsidering our options, I found it more [advantageous] to [retain our existing Birch Creek ditch and] tie into my existing line and running a new main line on the North end of this field. This will save us from installing an additional pump [on Marsh Creek] and save money. . . . I would like to just rescind this transfer

Evidence available to the Department confirms that the proposed transfer has not been accomplished. Transfer 85776 included conditions requiring multiple measuring devices to be installed prior to diversion under the transfer. Further, the approval would require a significant amount of work by the local watermaster to properly administer the changes. If Transfer 85776 were rescinded, and water right 29-342 were returned to its original point of diversion, the administration of the water right 29-342 would be simplified. Therefore, Transfer 85776 should be rescinded and the elements of water right 29-342 should be restored to those existing prior to Transfer 85776.

ORDER

IT IS HEREBY ORDERED that Transfer 85776 is RESCINDED. The elements of water right 29-342 shall be changed to those elements existing prior to Transfer 85776.

Dated this 19th day of August 2021.



James Cefalo
Regional Manager

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of August 2022, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, certified with return receipt requested, postage prepaid and properly addressed, to the following:

Document Served: Preliminary Order Rescinding Transfer (85776)

SEJMK LAND LLC
10464 S MARSH CREEK RD
MCCAMMON, ID 83250



Christina Henman
Administrative Assistant

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/19/2022

Water Right 29-342

Owner Type **Name and Address**
Current Owner SEJMK LAND LLC
10464 S MARSH CREEK RD
MCCAMMON, ID 83250

Priority Date: 5/1/1882

Basis: Decreed

Status: Active

Source
BIRCH CREEK
UNNAMED STREAM

Tributary
MARSH CREEK
BIRCH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.000 CFS	
	<u>Total Diversion</u>		2.000 CFS	

Source and Point(s) of Diversion:

BIRCH CREEK SWSW
UNNAMED STREAM SWNW

Sec. 27, Twp 09S, Rge 36E, BANNOCK County
Sec. 27, Twp 09S, Rge 36E, BANNOCK County

Place of Use:

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	36E	27							35.0 L4	9.0			35.0 L5						79.0

POU Total Acres: 79.0

Conditions of Approval:

1. S35 The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after September 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than March 22, 2004.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Idaho Code § 42-1412(6).