

MEMORANDUM

Date: June 23, 2022
To: Transfer 86256
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer application proposes to add a point of diversion to water rights 13-2162 and 13-4025. These two rights are diverted from two interconnected pumping stations on Fivemile Creek. The two pumping stations are tied together with a common mainline. Currently, the two water rights only describe one pump station (in the NESW of Section 13, T15S, R38E). The transfer will add the other pump station (in the NWNW of Section 19, T15S, R39E) to both rights.

Authority to File: Wesley and Roxane Beutler are the owners of the existing places of use. Wesley and Roxane are the current owners of record for water right 13-2162. Only Wesley is listed as an owner for water right 13-4025. Application proposes to add Roxane as an owner to water right 13-4025 to make the water right ownership match the property ownership. Wesley and Roxane signed the application and have the authority to file.

Water Right Validity: Existing places of use for water rights 13-2162 and 13-4025 are irrigated. Water right 13-4025 is a statutory claim. Application included statements from neighbors that water was diverted from Fivemile Creek to irrigate the proposed place of use prior to May 1, 1960. The water right file also contains an easement from 1963 describing a ditch from Fivemile Creek to irrigate the place of use for water right 13-4025. There is sufficient evidence to approve the transfer. A condition will be added to the right reserving IDWR's right to review the validity of water right 13-4025 (including the priority date) in the upcoming BRBA.

Injury to Other Water Rights: No issues identified. Fivemile creek is within Water District 11, but is not regulated by the watermaster. There are only a few active diversions on Fivemile Creek. Beutler owns most of them. There are no points of diversion between the two proposed points of diversion. Application was advertised and no protests were filed. Watermaster was notified of the application and did not provide comment.

Enlargement of Use: No issues identified. Pump stations are located 0.75 miles apart on the creek. The added point of diversion is downstream of the existing point of diversion. There is no evidence of significant gains in the creek between the two pump stations.

Local Public interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.