

MEMORANDUM

Date: January 27, 2022
To: Transfer 85593
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the place of use and to clarify one of the points of diversion for water right 75-14617. The partial decree for water right 75-14617 listed one of the points of diversion in Lot 4(NWNWNW) of Section 1. The point of diversion is actually in the south half of Lot 4. The parenthetical designation (NWNWNW) is meant to generally describe to the designated Lot, not to add limitations beyond the lot designation. The application proposes to remove the ten-acre tract from the parenthetical and describe the point of diversion in Lot 4 (NWNW). There will not be any physical change to the point of diversion. The headgate at this location will be reconstructed, but the diversion will not change. The current owner of water right number 75-14617 purchased the land in 2016 and has since rearranged the irrigated acres to incorporate several new pivots.

Authority to File:

The applicant is the current water right owner of record. Lemhi County tax lot data shows the applicant as the current owner for the current and proposed place of use. The applicant has authority to make the change.

Water Right Validity:

Water right 75-14617 was decreed in the SRBA in 2010. Most of the acres have been irrigated since 2010. Some acres (10-20 acres) have not been irrigated due to a lack of water in Perreau Creek. Although water right 75-14617 is one of the senior water rights on the creek, there are 6.5 cfs of water rights with the same priority date. According to the applicants, they have diverted and used as much water as was available on the creek under their rights. Perreau Creek is not in an active water district and has been a source of water right disputes over the last five years. The Department does not have clear and convincing evidence of forfeiture at this time.

Injury to Other Water Rights:

Other rights do not appear to be injured by the proposed change. The application updates the legal description for one of the points of diversion but does not change the physical location of that diversion.

Enlargement of Use:

The proposed change does not appear to result in enlargement because neither rate nor irrigated acreage will increase as a result of the transfer. The place of use for the transferred right is simply being rearranged to reflect current irrigation practices.

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.