

MEMORANDUM

Date: October 22, 2018
To: Transfer 82573
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for water right 13-217. The transfer also proposes to add points of diversion to the water right. The source of water described under this water right (unnamed streams) used to be flumed across the Cub River Main Canal and would flow through the proposed place of use. About 15 years ago, the flume was removed and has never been replaced. Board members of Cub River Irrigation Company confirmed that the unnamed streams used to be flumed across the canal. This transfer proposes to collect the unnamed streams, pipe the water to Spring Creek and re-divert the water through the applicants existing point of diversion on Spring Creek.

Authority to File: E&M Trust (Eldon Golightly) provided a deed demonstrating ownership of water right 13-217. The water right was withheld from the conveyance of land to Wheatley Properties. Existing place of use is owned by Wheatley Properties. A similar application for transfer (no. 82617) was filed by Wheatley properties for water right 13-218, which also lists the unnamed streams as the authorized source.

Water Right Validity: Existing and proposed place of use have been consistently irrigated from other sources. Forfeiture is not an issue. Water right 13-217 will be stacked and used in combination with water rights 13-62 and 13-7792.

Injury to Other Water Rights: No apparent issues. Application was protested by Cub River Irrigation Company. Protest was withdrawn if E&M Trust agreed to file an Application for Permit to divert the unnamed streams to Spring Creek during the non-irrigation season for stockwater use. This would reduce the amount of water being dumped into the Cub River Main Canal. Stockwater application was filed on November 7, 2018.

Enlargement of Use: No apparent issues. Water right 13-217 includes a combined volume limit with water right 13-216 (the parent right for 13-7792). Water rights 13-62 and 13-7792 will be added to transfer to updated combined limit conditions.

Local Public interest: Local resident, David Beckstead, contacted the Department stating a concern that the unnamed streams include effluent from improperly constructed septic systems. Beckstead did not want contaminated water being injected into Spring Creek. I contacted the Preston office for the Health District. The local examiner stated that there was no evidence of septic systems contributing water to the unnamed streams.

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.