

MEMORANDUM

Date: October 22, 2018
To: Transfer 82617
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and clarify the place of use for water right 13-218. 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: Wheatley Properties LLC is the current owner of record for 13-218. Existing and proposed places of use are owned by Wheatley Properties. A similar application for transfer (no. 82573) was filed by E&M Trust for water right 13-217, which also lists the unnamed streams as the authorized source.

Water Right Validity: Existing and proposed places of use have been consistently irrigated from other sources. Forfeiture is not an issue. Water right 13-218 will be stacked and used in combination with water rights 13-7102 and 13-7464. These rights were added to the transfer to update combined limit conditions.

Injury to Other Water Rights: No apparent issues. Application was protested by Cub River Irrigation Company. Protest was withdrawn without condition.

Enlargement of Use: No apparent issues. Water rights 13-7102 and 13-7464 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 inspector stated that there was no evidence of effluent from septic systems contributing to the flow in 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.