

MEMORANDUM

Date: September 21, 2017
To: Transfer 81525
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

Transfer 81525 proposes to change the points of diversion and places of use for fourteen water rights on Eightmile Creek. The transfer also proposes to add points of diversion to all of the water rights. Currently, the water rights describe different points of diversion and separate places of use. The transfer proposes creating a 590.5-acre combined place of use for the water rights and proposes listing the same nine points of diversion from Eightmile Creek on all of the rights.

Authority to File:

Water rights 11-363 thru 11-366 are still in the name of Gallagher et al., the original owners listed in the 1920 Bear River Decree. Eight Mile Ranch proposes to update the ownership for these four rights. The remaining rights are already in the name of Eight Mile Ranch through previously completed ownership changes. There is an existing security interest against the rights held by Western Ag FLCA. Some of the rights still carried a security interest in the name of Federal Land Bank, based on a mortgage held by a previous owner. This security interest has been removed from the rights.

Water rights 11-363 thru 11-366 are currently in the name of Gallagher et al. The application continued warranty deeds transferring a portion of the land described under these rights to the LDS Church. The remainder of the place of use is owned by Eight Mile Ranch. Application included a waiver signed by a representative of the LDS Church, waiving any interest in the four water rights.

Water Right Validity:

Water rights are valid. Based on the decrees, the water rights could irrigate more than 600 acres. The transfer proposes to reduce the irrigated acres to 590.5 acres, the number of acres historically irrigated. The irrigable acres are limited to the bottom of the valley because of the steep slopes of the canyon. Aerial photos confirm the proposed place of use has been consistently cultivated and irrigated.

Injury to Other Water Rights:

No injury concerns identified. Application was advertised, not protests were filed. Watermaster for WD11A was notified of the transfer and did not have any concerns.

Months after the transfer was initially advertised, it was discovered that the legal description for two of the points of diversion were described incorrectly. Close examination revealed that two of the proposed points of diversion were not correlated to the actual ditch headings. The correct points of diversion were across QQ lines, requiring an amendment. Further, I used a high resolution aerial photo to refine the place of use boundary. The revised place of use (590.5 acres) ended up being slightly larger than the initial filing (581.4 acres). On September 20, 2017, Eight Mile Ranch filed an amended application, correcting the two points of diversion and updating the proposed place of use to be 590.5 acres. I determined that re advertisement was not necessary. The change in the place of use was very minor, and was still less than the total acres authorized by the water rights. Although the two points of diversion shifted into neighboring QQs, the corrected points of diversion were for existing, historical ditches. There are no other water users on Eight Mile Creek in the areas of the proposed amendments. The changes made in the amendment will not have any hydrologic impact on the Eightmile Creek system.

Enlargement of Use:

No issues identified. Water right combined place of use is being reduced to reflect historical irrigation.

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.