

MEMORANDUM

Date: February 22, 2024
To: Transfer 83870
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change a point of diversion for water rights 74-158, 74-159, 74-160 and 74-2289. Two points of diversion on Canyon Creek located on federal land will be replaced by one point of diversion on private property. The private property is held by Leadore Land Partners (Karl Tyler). The application included a letter from Tyler consenting to the change. The other point of diversion on the rights, a diversion from the Lemhi River, will not change.

Moving the point of diversion to private property will allow for a new fish screen to be installed by Idaho Department of Fish & Game without requiring an easement or special use permit from the federal government. The proposed point of diversion is located less than 200 feet from the uppermost existing point of diversion on Canyon Creek.

Authority to File: Beyeler Ranches LLC is the current owner of record for the rights and the owner of the existing, combined place of use for the rights. Beyeler has the authority to file the application.

Water Right Validity: At least 279.3 acres of the existing place of use have been consistently irrigated. Water rights are valid for transfer.

Injury to Other Water Rights: No issues identified. Application was protested by James Whittaker, but James Whittaker does not own any water rights on Canyon Creek. Whittaker withdrew his protest without condition on February 21, 2024. There are no irrigation points of diversion between the existing and proposed points of diversion on Canyon Creek. Watermasters for Water Districts 74W and 170 were notified of the transfer. Watermaster for WD170 does not oppose the transfer. Watermaster for WD 74W did not respond to the request for comment.

Enlargement of Use: No issues identified. Combined place of use will not change. Combined limits will be carried forward on the transfer approval. Proposed point of diversion is less than 200 feet upstream of the existing point of diversion and will not result in a better water supply for the water right holder.

Local Public interest/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.