

MEMORANDUM

Date: June 21, 2024
To: Transfer 87242
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

Application proposes to correct the legal descriptions for the point of diversion and place of use for water right 75-13715. Application was originally filed by Sadie Barrett. Upon a review of the relevant deeds, I discovered that the right was actually associated with a neighboring parcel, owned by Aksland Family 2020 Revocable Trust. Barrett pursued a claim in the SRBA for the domestic use associated with her parcel. Once that partial decree was issued by the SRBA Court (water right 75-15064), Barrett assigned the Application for Transfer to Aksland Trust.

The Aksland and Barrett properties are both served by the Lake Creek Spring community water system. The Aksland and Barrett properties both straddle the line between the NWSW of Section 1 and the NESE of Section 2, T19N, R21E. Therefore the legal descriptions in the application are the same. The application did not need to be amended after the application was assigned to Aksland.

Authority to File: Aksland Family 2020 Revocable Trust updated the ownership of water right 75-13715 in 2023, after it was discovered that the right was associated with the Aksland property rather than the Barrett property. Aksland is the current owner of record for the right. Aksland owns the proposed place of use according to Lemhi County parcel records.

Water Right Validity: Water right 75-13715 was decreed in the SRBA in 2000. Water has been diverted for domestic use at the Aksland property since that time.

Injury to Other Water Rights: No issues identified. The transfer will not result in any physical change, simply a correction to the legal descriptions for the point of diversion and place of use. Application was protested by David Craig and Tri-West Leasing Inc., who are other water users on the Lake Creek Spring system. I met with all the water users on the Lake Creek Spring community system in the summer of 2023 and conducted a measurement of the spring. The water users were able to resolve some ongoing disputes about water deliveries from the spring. The protests were withdrawn in August 2023.

Enlargement of Use: No issues identified.

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.