

MEMORANDUM

Date: May 24, 2024
To: Transfer 88806
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

This is the first of two companion transfers filed to rearrange water rights between adjacent parcels to create combined places of use. The point of diversion for 13-8008 will be changed, and the legal description of the points of diversion of five rights will be corrected from SWSW to SESW based on aerial photos and the DRG.

Authority to File:

The applicants provided a warranty deed to demonstrate ownership of rights 13-743 and 13-744. IDWR records show the applicants as the current owners of the other rights in the transfer. Caribou County parcel data show the applicants as owners of the proposed place of use.

Water Right Validity:

The rights included in the transfer were decreed in the 1920 Dietrich Decree. Recent aerial photos show evidence of consistent irrigation. The applicant indicated that right 13-8011 went through a long period of nonuse. However, the six acres were in CRP from 1997 through 2021, and the right was included in transfer 87910, which was approved in 2023. Forfeiture is not an issue.

Injury to Other Water Rights:

The applicants seek to change the point of diversion of right 13-8008 (originally decreed to W. H. Meacham) to the Sorensen Ditch. The capacity of the ditch and the total rate to be delivered to it will remain unclear until the rights are decreed in the BRBA. The application was advertised, and no protests were filed. IDWR requested comment from the 13Q Watermaster, but no comment was received.

While reviewing transfer 87910 the watermaster said that the source of the Meacham rights was limited to some springs located in section 16. There is some ambiguity regarding the source and the location of the decreed points of diversion. The decree mentions 3 springs in the east half of the southeast quarter of section 17, but it also mentions numerous ditches in sections 16, 17, and 21. Trout Creek does flow through sections 16 and 17, and the Meacham rights are included in the portion of the decree which describes diversions from Middle Fork Trout Creek. Therefore, it seems clear that the source of the Meacham rights includes Middle Fork Trout Creek.

Enlargement of Use:

The quantity authorized to be diverted under the rights will not increase, and the same lands will be irrigated under the two companion transfers. The rate per acre will not change. The relative priority dates between the two places of use will be the primary change. Enlargement is not an issue.

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.

Basin	Seq	Priority	DivRate	OwnerList	OtherOwnerList	TotalAcres	AcreLimit	xfr 1 or 2	cfs in T1	cfs in T2	ac in T1	ac in T2	POD change?	Owner change?
13	743	5/1/1884	0.1	RUUD, A A		7.4	6.9	1	0.10		5		N	Y
13	744	5/1/1901	0.04	RUUD, A A		7.4	6.9	1	0.04		1.9		N	Y
13	7999	5/1/1884	1.4	FLAGG, DOU	RUUD, A A(Original Owner)	98.8	93.1	both	1.20	0.20	60	10	N	N
13	8000	5/1/1901	0.46	FLAGG, DOU	RUUD, A A(Original Owner)	98.8	93.1	both	0.14	0.32	7.1	16	N	N
13	8008	5/1/1871	0.57	FLAGG, DOU	MEACHAM, W H(Original Owner)	68		1	0.57		28.5		Y	N
13	8009	5/1/1884	0.78	FLAGG, DOU	MEACHAM, W H(Original Owner)	68		2		0.78		39.5	Y	N
13	8011	5/1/1871	0.07	FLAGG, DOU	MEACHAM, W H(Original Owner)	100.2	6	1	0.07		3.5		N	N
13	8012	5/1/1884	0.02	FLAGG, DOU	MEACHAM, W H(Original Owner)	100.2	6	2		0.02		1	N	N
13	8013	6/1/1901	0.03	FLAGG, DOU	MEACHAM, W H(Original Owner)	100.2	6	2		0.03		1.5	N	N
13	8019	5/1/1884	0.08	FLAGG, DOU	MOOREHEAD, D C(Original Owner)	4		1	0.08		4		N	N
									2.20	1.35	110	68		