

MEMORANDUM

Date: August 21, 2024
To: Transfer 89105
From: Christian Stewart
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to add a point of diversion located about 1 mile upstream and north of the current diversion from Medicine Lodge Creek. The proposed diversion is an existing concrete check dam with a mechanical head gate. The applicant owns other water rights that use this point of diversion. The applicant also proposes a 24-hour regulation pond south of the proposed point of diversion.

Authority to File:

Hamilton Land and Livestock is the current owner of record for the water rights in this transfer. Parcel records list Hamilton Land and Livestock as the owner of the place of use. Cletus Hamilton, the registered agent for Hamilton Land and Livestock per the Idaho Secretary of State, signed the application. Parcel records list Brion Egan, who also signed the application, as the landowner at the proposed additional point of diversion.

Water Right Validity: The SRBA Court issued partial decrees for the water rights involved in this transfer on several dates in October 2000. The water rights in this transfer were included in transfer 75966. Sentinel imagery provides evidence that the place of use has been irrigated from 2018-2024 and that the water rights involved in this transfer have not been forfeited.

Injury to Other Water Rights:

Other water rights are currently diverted at the proposed point of diversion, the Lower Shenton Ditch. There are no diversions on Medicine Lodge Creek in between the proposed point of diversion and the current point of diversion. The current point of diversion is the most downstream irrigation diversion on Medicine Lodge Creek before it sinks. IDWR did not receive protests to this transfer application during the public advertising period. The watermaster for water district 32C did not respond to IDWR's request for comment and the watermaster for water district 110 did not oppose approval of this transfer. No injury issues identified.

Enlargement of Use: This transfer will not increase authorized irrigated acreage, authorized diversion rate, or annual diversion volume of the water rights. Adding a point of diversion to the water rights does increase the physical diversion capacity of water from Medicine Lodge Creek, so both diversions will need to be regularly monitored by the watermaster to ensure their combined diversion rate is maintained within authorized limits. No enlargement 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.