

MEMORANDUM

Date: July 29, 2024
To: Transfer 89132
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the points of diversion and place of use for a 171-acre portion of water rights 13-7857, 13-7859 and 13-7861. The rights were split prior to the transfer. Applicant's portion of right 13-7857 was assigned right no. 13-8463. Applicant's portion of right 13-7859 was assigned right no. 13-8464. Applicant's portion of right 13-7861 was assigned right no. 13-8465. Water rights 13-7857, 13-7859 and 13-7861 were reduced outside of the transfer to reflect the ownership change.

Authority to File: Application was filed by RCP Properties LC and signed by Dwain and Sandra Weeks, managers for the company. The application includes deeds and other documents confirming ownership of water rights 13-8463, 13-8464 and 13-8465 by RCP Properties LC.

Water Right Validity: Water rights were originally described in the 1920 Bear River Decree. The 171 acres described in the application as the proposed place of use have been consistently irrigated.

Injury to Other Water Rights: No issues identified. Point of diversion on Fivemile Creek was not clearly defined in the decree. Point of diversion is being updated to reflect the location of a pump site that has been in place for many years. Point of diversion for springs is being updated to the historic locations where major springs flow into the delivery ditch. The Department published notice of the application and no protests were filed. Watermaster for Water District 11 (Bear River) was notified of the application and does not oppose approval. Fivemile Creek and Deep Creek are not actively regulated by Water District 11.

Enlargement of Use: Water right 13-7859 has been delivered through the West Cache Canal on the Bear River for over fifty years. Application proposes to formally change the point of diversion for the Deep Creek right to the West Cache Canal on the Bear River, upstream of the confluence of Deep Creek and the Bear River. This constitutes an exchange. The Bear River is always flowing and connected between the West Cache Canal headgate and the confluence with Deep Creek which makes the exchange possible. Right holders will be limited the flow available at the original point of diversion on Deep Creek and will be required to measure the flow at the original point of diversion and near the location where Deep Creek flows into the Bear River. Transfer approval will bear the same conditions as similar transfers (moving Deep Creek rights to the West Cache Canal) approved over the last five years.

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.