

## MEMORANDUM

**Date:** July 29, 2024  
**To:** Transfer 89134  
**From:** James Cefalo  
**Re:** Review & Evaluation of Sufficiency of Information

This transfer proposes to change the points of diversion and place of use for water rights 13-7798, 13-7802, 13-7806 and a 10-acre portion of water rights 13-7857, 13-7859 and 13-7861. Rights 13-7798, 13-7802 and 13-7806 are already split from the same parent rights as 13-7857, 13-7859 and 13-7861. Rather than creating additional splits of the same rights, the amounts under the rights were simply adjusted to reflect the ownership of an additional 10 acres. Right 13-7798 was increased by 0.02 cfs; right 13-7802 by 0.14 cfs and right 13-7806 by 0.02 cfs. Ownership of the 10-acre added portion will be updated as part of the transfer approval. 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 Dwain and Sandra Weeks. The application and the Department's file for water right 13-7795 include deeds and other documents confirming ownership for Dwain and Sandra Weeks.

**Water Right Validity:** Water rights were originally described in the 1920 Bear River Decree. The 30 acres described in the application 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 13-7802 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.