

MEMORANDUM

Date: March 3, 2025
To: Transfer 89528
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

This transfer was originally filed to add points of diversion to BRBA claim 13-953. However, due to interagency billing problems, the claim could not be made active. Since the applicant (IDFG) did not want to wait to get the transfer moving, IDFG and IDWR decided to process the transfer on water right 13-953 and then amend the BRBA claim upon approval. Since the water right had the wrong basin number, it was renumbered to water right 11-10017. After discussions with IDFG, it was determined that the water right would need to be split because 2 separate irrigation systems were contemplated. Due to transfer tool issues, water right 11-10017 was split prior to bringing it into the transfer. The new water right number for the portion changed in this transfer is 11-10084. This application (the first of two companion transfers) proposes to clarify the legal description of the point of diversion and change the place of use of a 71-acre split portion of the original right.

On March 14, 2025, water right 11-10017 was released from the Water Supply Bank so that this transfer could be approved.

Authority to File:

IDWR records show the applicant as the current water right owner. Bear Lake County parcel data show IDFG as owner of the current place of use and most of the proposed place of use. Part of the proposed place of use is owned by Paul Alleman. IDFG provided a letter from Paul giving his assent to use the water right on his land. IDFG asserts that the point of diversion (on BLM land) is the original point of diversion and is not changing. The transfer was advertised without protest.

Water Right Validity:

The right included in this transfer was decreed in the 1920 Dietrich Decree. The decree allows for 160 acres to be irrigated, but not all the 160 acres described in the decree are irrigable. A 108-acre portion of the right is currently leased to the Water Supply Bank and is therefore protected from forfeiture. In support of BRBA claim 13-953 IDFG provided an extensive description of the historic water use on the claimed place of use, which includes 52 acres in RP10S43E344200, just east of and adjacent to the decreed place of use. IDFG asserts that the place of use has not changed since the decree and that RP10S43E344200 should have been included in the decree. It is not uncommon for decrees to have errors in legal descriptions, and aerial photos from 1980 to present show consistent irrigation of 160 acres on IDFG's claimed place of use, including RP10S43E344200. This makes sense due to that parcel's proximity to the point of diversion. The full water right appears to be valid.

Injury to Other Water Rights:

The point of diversion and the rate diverted from the Bear River will not change. The application was advertised, and no protests were filed. IDWR requested comment from the Water District 11 Watermaster, but no comment was received. Injury is not apparent.

Enlargement of Use:

Neither diversion rate nor irrigated acres will increase. The POU legal description is simply being changed to reflect actual irrigated acres. 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.



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

March 14, 2025

STATE OF IDAHO
DEPT OF FISH & GAME
600 S WALNUT ST
PO BOX 25
BOISE ID 83707

**RE: LEASED WATER RIGHT NO. 11-10017 (renumbered from 13-953) RELEASED FROM
THE WATER SUPPLY BANK**

Dear Lessor:

On March 13, 2025, the Department of Water Resources (Department) received your request to change the existing Water Supply Bank (Bank) Lease Contract executed on February 2, 2021 and release water right(s) 11-10017 (renumbered from 13-953) from the Bank on December 31, 2024. **At this time the Department acknowledges that the Bank Lease Contract for 108 acres of Irrigation for water right(s) 11-10017 (renumbered from 13-953) is concluded with an effective date of 12/31/2024 releasing the right(s) from the Bank.**

The five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the bank.

You can reapply to lease the water right(s) in the future by submitting new application form(s) from the Department's website at www.idwr.idaho.gov along with applicable fees.

If you have any questions, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

c: Water District 11 Watermaster
IDWR Eastern Regional Office



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Governor Brad Little

Director Mathew Weaver

March 14, 2025

PAUL K ALLEMAN
6342 NOUNAN ROAD
MONTPELIER ID 83254

**RE: TERMINATION OF RENTAL AGREEMENT 702 FOR WATER RIGHT NO(S) 11-10017
(RE-NUMBERED FROM 13-953) FROM THE WATER SUPPLY BANK**

Dear Renter:

Per your written request received on March 10, 2025, the Department of Water Resources (Department) acknowledges your intent to end your Rental Agreement for rental of water for Water Right(s) 11-10017 (Re-numbered from 13-953) on December 31, 2024.

The rental agreement has been cancelled as of December 31, 2024. The rental fee for 2025 was not received by the Department and therefore a refund is not required. Water Supply Bank records will be closed. Any diversion or use of water associated with this rental agreement is not authorized and, if occurring, will be subject to any necessary enforcement action.

If you wish to rent water in the future, please reapply using new forms from the Department's website at www.idwr.idaho.gov.

If you have any questions, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

c: IDWR Eastern Regional Manager
WD 11 Watermaster