

MEMORANDUM

Date: March 3, 2025
To: Transfer 89533
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. This application (the second of two companion transfers) proposes to change the point of diversion and create a permissible place of use for what's left of right 11-10017 after accounting for transfer 89528.

On March 14, 2025, 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, the proposed point of diversion, 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.

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 current point of diversion. The full water right appears to be valid.

Injury to Other Water Rights:

The proposed point of diversion is about a mile downstream from the current point of diversion, and there are no other rights between the current and proposed points of diversion. 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 acres authorized to be irrigated within the permissible place of use will be limited to 89 acres each season. 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.