

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF TRANSFER)
APPROVAL NO. 89753 IN THE)
NAME OF JEREMY WILMOT)**

**PRELIMINARY ORDER
CORRECTING TRANSFER
APPROVAL**

This matter having come before the Idaho Department of Water Resources ("Department") as the result of clerical errors discovered in a transfer approval, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On April 30, 2025, Jeremy Wilmot filed Application for Transfer 89753, proposing to add points of diversion and change the place of use for water right 34-517.
2. On February 7, 2002, the Snake River Basin Adjudication court issued a partial decree for water right 34-517, establishing a priority date of May 1, 1904.
3. On November 10, 2025, the Department issued transfer approval 89753, which mistakenly recorded the priority date for water right 34-517 as May 2, 1904.
4. The priority date for water right 34-517 should not have changed as a result of Application for Transfer 89753.

CONCLUSIONS OF LAW

Pursuant to Idaho Code § 42-222, the Department has the responsibility to properly modify and describe water right changes in a transfer approval. The Department should not have changed the priority date for water right 34-517 in Transfer Approval 89753. The Department has the authority to issue Amended Transfer Approval 89753, correcting the priority date error described above.

ORDER

IT IS HEREBY ORDERED that Transfer Approval 89753 is CORRECTED as set forth in Amended Transfer Approval 89753 issued in conjunction with this order. Further, the priority date for 34-517 shall be changed to reflect the corrected transfer approval.

Dated this 3rd day of February, 2026.


Blake Jordan
Water Resources Program Manager

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of February 2026, I mailed a true and correct copy of the foregoing PRELIMINARY ORDER CORRECTING TRANSFER APPROVAL to the person(s) listed below:

**JEREMY WILMOT
5631 W BUCKSKIN RD
POCATELLO ID 83201**



Christina Henman
Administrative Assistant

AMENDED

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 89753

This is to certify that: JEREMY WILMOT
5631 W BUCKSKIN RD
POCATELLO, ID 83201-9128

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-517	WR/DECREED	5/1/1904	1.600 cfs	N/A	N/A	68.0	DRY FORK CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
34-517	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
34-517	34-517	1.600 cfs	N/A	N/A	68.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.600 cfs	N/A	N/A	68.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 30 day of February, 2026.


Water Resources Program Manager

Transfer No. 89753

WATER RIGHT NO. 34-517**As Modified by Transfer No. 89753**

In accordance with the approval of Transfer No. 89753, Water Right No. 34-517 is now described as follows:

Right Holder: BARBARA WILMOT AND
JEREMY WILMOT
5631 W BUCKSKIN RD
POCATELLO, ID 83201-9128

Priority Date: 5/1/1904

Source: DRY FORK CREEK

Tributary: ANTELOPE CREEK

BENEFICIAL USE

IRRIGATION

From

5/01

To

to 10/15

Diversion Rate

1.600 cfs

1.600 cfs

LOCATION OF POINT(S) OF DIVERSION

DRY FORK CREEK	SENE	Sec 20 Twp 04N Rge 24E	BUTTE County
DRY FORK CREEK	NESE	Sec 20 Twp 04N Rge 24E	BUTTE County
DRY FORK CREEK	SESE	Sec 20 Twp 04N Rge 24E	BUTTE County
DRY FORK CREEK	NWNW	Sec 21 Twp 04N Rge 24E	BUTTE County
DRY FORK CREEK	SWSW	Sec 21 Twp 04N Rge 24E	BUTTE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	24E	20				13.0									13.0				40.0
04N	24E	21						14.0					14.0						28.0

POU Total Acres: 68.0

CONDITIONS OF APPROVAL

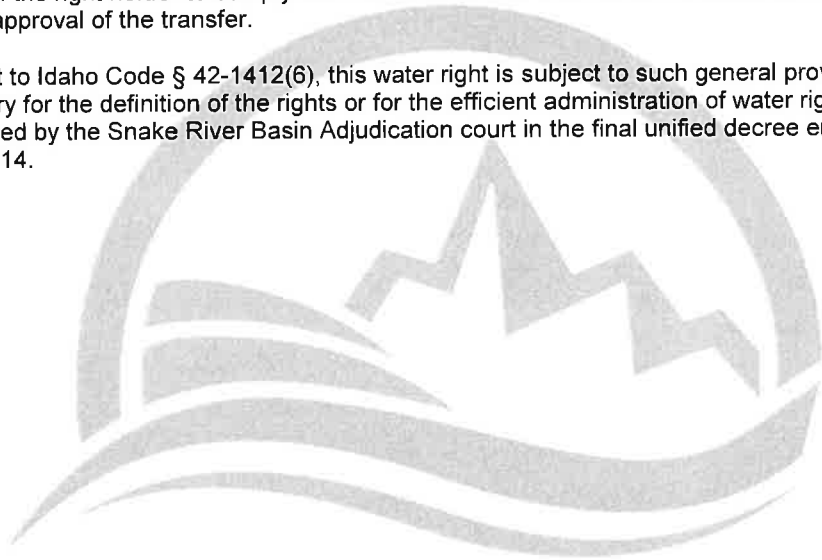
1. Rights 34-517 and 34-14964 when combined shall not exceed the irrigation of 141.0 acres.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 89753

WATER RIGHT NO. 34-517
As Modified by Transfer No. 89753

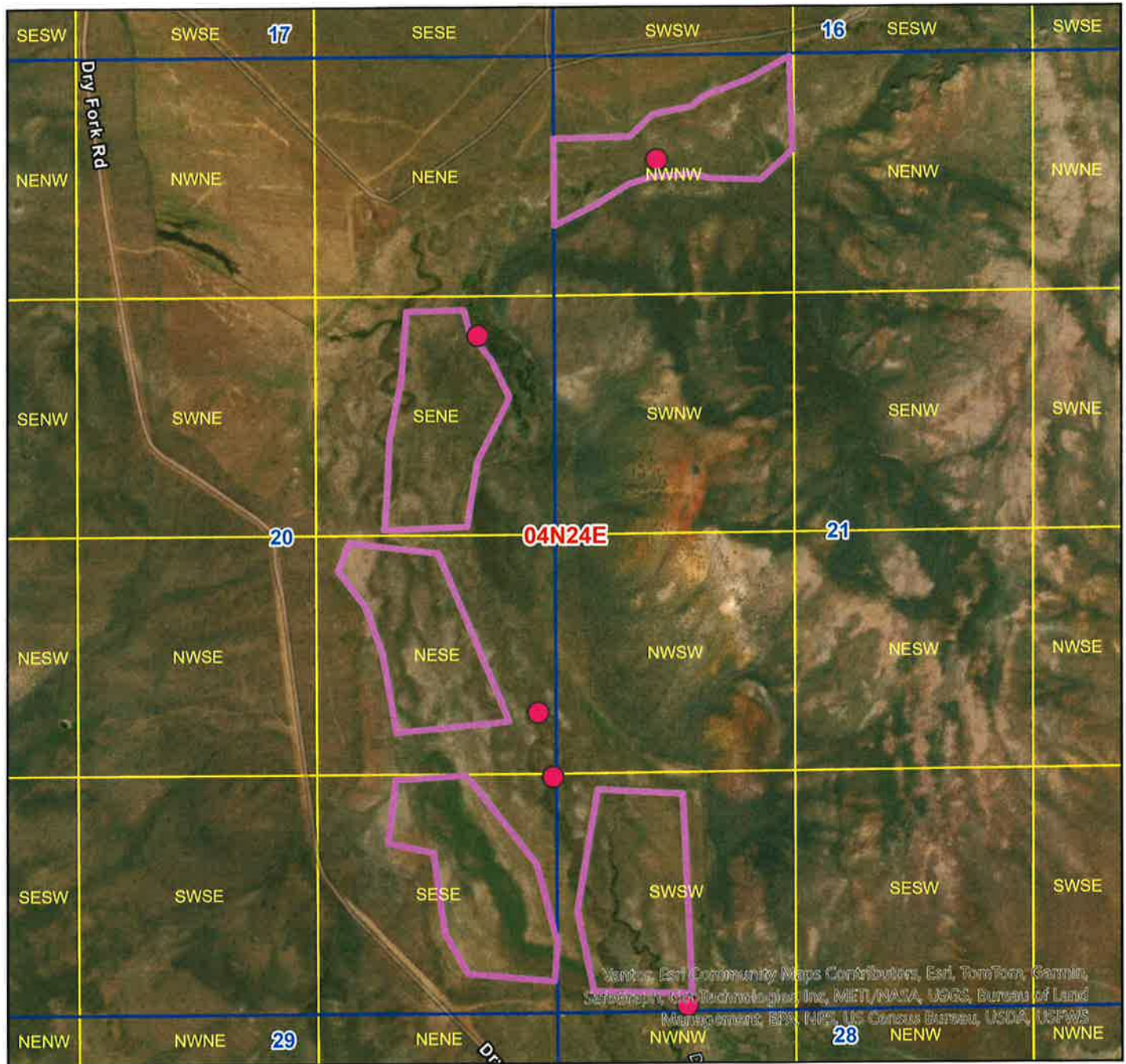
CONDITIONS OF APPROVAL

5. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



Attachment to Transfer Approval 89753

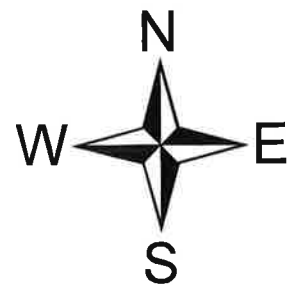
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections
- QQ

0 500 1,000 2,000 Feet



Date: 2/3/2026

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held.)

The accompanying document is a "**Preliminary Order**" issued by the Idaho Department of Water Resources ("Department") pursuant to Idaho Code § 67-5243. **This preliminary order can and will become a final order without further action of the Department, unless a party petitions for reconsideration, petitions for review, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5243(3))

Any party may file a petition for reconsideration of this preliminary order with the Department within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The presiding officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

PETITION FOR REVIEW (EXCEPTIONS)

(See Idaho Code § 67-5245)

Within fourteen (14) days after: (a) the service date of this preliminary order, (b) the service date of a denial of a petition for reconsideration of this preliminary order, or (c) the failure within twenty-one (21) days of the presiding officer to act on a petition for reconsideration of this preliminary order, any party may petition the Director in writing to review any part of this preliminary order by filing exceptions, and any supporting brief, with the Department.¹ Any parties opposing the exceptions shall have fourteen (14) days from the service date of the exceptions to file a brief. If the Director determines that oral argument is to be heard, the Director will provide reasonable notice to the parties of the place, date, and hour for the argument.

The Director will issue a final order on exceptions within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless extended for good cause. The Director may remand the matter for or hold an evidentiary hearing if further factual development of the record is necessary before issuing a final order.

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to Idaho Code § 42-1701A(3). A written petition to the Director contesting the preliminary order and requesting a hearing must be filed with the Department

¹ The Director may decide to review this preliminary order upon his own motion. Should the Director decide to do so, the Director will provide written notice to the parties within the period the parties are allowed to petition the director for review of the preliminary order.

by any aggrieved person **within fifteen (15) days after service of this preliminary order.**

CERTIFICATE OF SERVICE
(*See* IDAPA 37.01.01.053, 37.01.01.202)

All documents filed with the Department in connection with a petition for reconsideration, petition for review, or a request for hearing of this preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 53 and 202.