MEMORANDUM

Date: May 7, 2026

To: Transfers 89063, 89064, 89065, and 89138

From: James Cefalo

Re: Review & Evaluation of Sufficiency of Information

Water rights 75-4126, 75-10392, 75-10400, 75-10603, and 75-14531 share the same point of diversion. Some of the rights describe the authorized source as a spring. Some of the rights describe the authorized source as an unnamed stream. In June 2025, I visited the point of diversion and conveyance system for the water rights. I observed that the water from several springs flows together to form a stream channel. At the existing point of diversion for the water rights, the channel undergoes a distinct change. It no longer looks like a natural channel, but looks like a man-made channel, like a maintained ditch. At this same location, the channel breaks out of the natural topography and runs along the hillside, at a higher elevation than the land below the channel. The existing point of diversion is on USFS land. The man-made channel extends across USFS land for 1/3 mile. The water users who hold the water rights identified above hold a ditch easement for the man-made channel from the existing point of diversion to the location where the ditch crosses off of USFS land.

Applications 89063, 89064, 89065 and 89138 propose to change the point of diversion from the existing point of diversion to a headgate located approximately 1/3 mile down the man-made channel. Several agents from the Department have visited this system in recent years. These agents have identified the existing point of diversion (the decreed point of diversion) as the correct point of diversion and have called the man-made channel a ditch. Therefore, the proposal to change the point of diversion must be rejected.

The application was filed to address a concern that the watermaster would require the water users to install a headgate and measurement structure at the existing point of diversion, on USFS land. It is not clear whether the USFS would allow that construction work to be completed under the existing ditch easements. Further, there is no natural channel taking off at the existing point of diversion, so there would be nowhere for the water to flow if a headgate were installed and closed at the existing point of diversion. The first location where the flow in the channel can be controlled without damaging downstream properties is at the headgate in the SWNENE of Section 21, near the fence separating private property from USFS property. There is an existing measurement section immediately downstream of the headgate. To address the concerns of the water users, I will approve the transfers, but only to add a condition to the water rights noting that the point of measurement and regulation is at the headgate in the SWNENE of Section 21. The watermaster for Water District 75F supports this condition. There is no way to regulate the diversion at any other point.

Authority to File: Applicants are the current owners of record for the water rights. According to the Lemhi County parcel map, applicants still hold the properties at the place of use.

Water Right Validity: There is persuasive evidence that the water rights included in the applications have been actively diverted and used for irrigation. I observed the ditch diverting the full stream of water in June 2025.

Injury to Other Water Rights: No issues identified. Because there is no physical way to regulate the water in the channel until the headgate at the private property, describing the point of regulation at the existing headgate will not injure any other water rights. The Department published notice of the application and no protests were filed.

Enlargement of Use: No issues identified. There were no other springs or inflows observed along the ditch from the point of diversion to the headgate. Therefore, the water users are not obtaining an increase in flow by describing the point of regulation at the existing headgate.

Local Public interest: Allowing the water to flow through the ditch between the point of diversion and the headgate continuously supports a riparian corridor along the ditch.

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.