

## MEMORANDUM

TO: Transfer No. 90283  
FROM: Marcelina Riddle  
DATE: July 28, 2026  
RE: Evaluation of Application

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River Flat Ditch Company submitted transfer 90283 with the purpose of adding a third point of diversion out of Sand Hallow Creek to water rights 63-21779 and 63-21780.

### Summary of Information Submitted

#### **Authority to File:**

Transfer 90283 was submitted in the name of River Flat Ditch Company, and IDWR records show the applicant as the current owner of water right 65-11269. The transfer was signed by Colbie Libsack, who has signing authority on behalf of River Flat Ditch Company. The annual report put out by the State of Idaho Office of Secretary State shows Colbie Libsack to be one of the directors as of 2026. Authority to file is presumed valid.

#### **Water Right Validity:**

Validity is not a concern. Referring to I.C. § 42-223, these rights are presumed to be valid since irrigation companies are protected from forfeiture.

#### **Injury to Other Water Rights:**

Transfer 90283 does not request any additional rate be added to River Flat Ditch Company's water rights. The only request being made is to add a point of diversion that is closer to power so their system can accommodate a pressurized irrigation system. No increase in the quantity of water diverted should occur and therefore no injury is anticipated.

#### **Enlargement of Use:**

The proposed changes should not result in an increase in the diversion rate or land being irrigated. Additionally, water rights 63-21779 and 63-21780 have a combined acre limit of 752.0 acres in a single irrigation season which is the department standard 3/1-11/15. 63-21779 has a rate of 11.02 CFS, 63-21780 has a rate of 25.1 CFS, and a combined rate of 36.12 CFS. Enlargement does not appear to be an issue.

#### **Local Public Interest:**

This transfer is not anticipated to cause potential water quality issues, impact current land use requirements on non-private land or impact fish/wildlife resources. When the application was advertised no public comment was received. For these reasons this application proposes a change consistent with the local public interest.

#### **Beneficial Use/Conservation of Water Resources:**

The application proposes beneficial use consistent with conservation of water resources in Idaho.

**The application is consistent with criteria of I. C. § 42-222 and should be processed.**

**Discussion**

Condition 186 limiting the new POD to only 2.34 cfs was added to both water rights 63-21779 and 63-21780. This condition was added based on the applicants request to only divert 2.34 cfs from the new POD.

Assuming other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.