

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-20565
Date Received: 12/15/2005
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

MICHAEL LLOYD Phone:
PO BOX 4
BELLEVUE ID 83313

Tia Lloyd Phone:
PO BOX 4
BELLEVUE ID 83313

2. Date of Priority: 10/30/1974

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	17E	1	SW NW	BLAINE	
02S	17E	11	SW SE	CAMAS	

5. Description of diverting works:

WELL, PUMP & SPRINKLER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/01	0.03	

7. Total Quantity Appropriated is:
0.03 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	17E	2	SW	SE	IRRIGATION	2
					Section Acres	2
					Total Acres	2

11. Place of use in counties: CAMAS

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

This claim was split from claim 37-7395 due to an ownership change documented in transfer 71369. As of 5/4/06 the transfer is scheduled to be rejected but the ownership of the lands and water currently remain with Lloyd and this claim should move forward in the SRBA. ADM 5/4/06.

15. Basis of Claim: License

09/15/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-20565

NAME AND ADDRESS: MICHAEL LLOYD
PO BOX 4
BELLEVUE ID 83313

Tia Lloyd
PO BOX 4
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.030 CFS

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 10/30/1974

POINT OF DIVERSION:

T02S R17E S1 SWNW Within BLAINE County

T02S R17E S11 SWSE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

05/01 10/01

0.030 CFS

The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late

irrigation

use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION Within CAMAS County

T02S R17E S02 SWSE 2.00

2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Point of diversion and place of use are located within Lot 1, Block 1 of Magic Ranch Subdivision.



Idaho Department of Water Resources

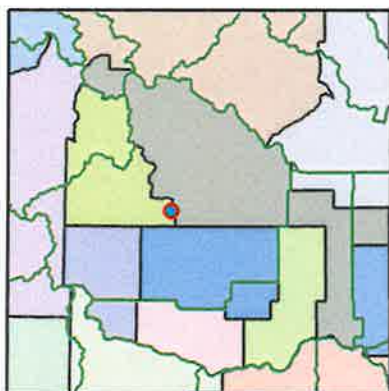
SRBA Recommendation:

37-20565

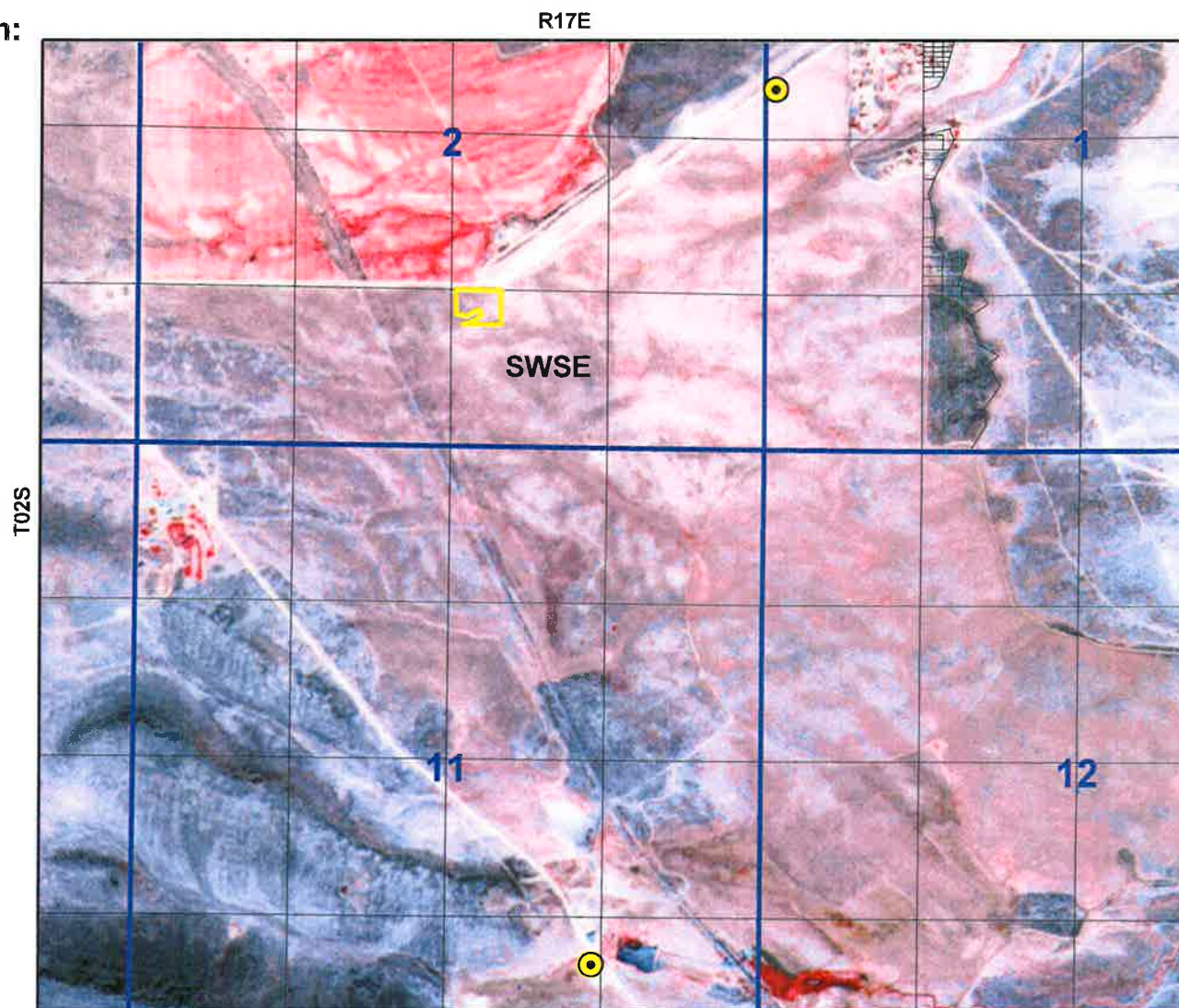
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Camas, Blaine Counties
IDWR Basin 37



0 0.6 1.2 Miles

Owner: Michael Lloyd

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Prepared by A. Merritt
On Friday, September 15, 2006
1987/88 Aerial Photography

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR TRANSFER NO. 71369 IN THE)	
NAME OF MICHAEL T. AND TIA)	PRELIMINARY ORDER REJECTING
<u>LLOYD</u>)	APPLICATION FOR TRANSFER

This matter having come before the Department of Water Resources (Department) as a result of an application to transfer a water right, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On July 23, 2003, Joe Sliman applied to the Department for authorization to change the point of diversion, for a portion of water right 37-7395 in the amount of 0.025 cubic feet per second of water diverted from ground water in Camas County. The transfer application, designated no. 71369 (application) by the Department, proposes to split off 2 acres of irrigation from the water right based on ownership and change the point of diversion to the split parcel for irrigation purposes. The 2-acre place of use is located in Township 2 South, Range 17E, Section 2, SW1/4, SE1/4, B.M.

2. Idaho Code §42-222 says, in pertinent part:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-202B, Idaho Code, the change will not adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates, and the new use is a beneficial use, which in the case of a municipal provider shall be satisfied if the water right is necessary to serve reasonably anticipated future needs as provided in this chapter. The director may consider consumptive use, as defined in section 42-202B, Idaho Code, as a factor in determining whether a proposed change would constitute an enlargement in use of the original water right.

3. Ownership documentation was acquired for the parcel by Department staff during initial review of the transfer application. The documentation consists of a warranty deed conveying land, described as Lot 1 Block 1 Magic Ranch Subdivision, and appurtenances from Joe Sliman to Michael T. and Tia Lloyd.

4. Water right 37-7395 was split into parts, recognizing the portion owned by Michael T. and Tia Lloyd as water right 37-20565 for 0.03 cfs and irrigation of 2 acres.

5. Department staff attempted to reach Lloyds on several occasions without response.

6. On March 9, 2006, the Department sent a letter to Joe Sliman and Michael Lloyd requesting information to clarify ownership of the application and to correct a legal description on the application. In the letter, the Department indicated that if the requested information was not submitted within 30 days, the Department would reject the application.

7. On March 10, 2006, the Joe Sliman assigned the application to Michael and Tia Lloyd (applicants).

8. On March 13, 2006, the Department mailed a copy of the March 9, 2006 letter to the applicants at an alternate address. The Department has not received a response from the applicant.

CONCLUSIONS OF LAW

1. Idaho Code §42-248(4) says, in pertinent part:

(1) All persons owning or claiming ownership of a right to use the water of this state, whether the right is represented by decree of the court, by claim to a water right filed with the department of water resources or by permit or license issued by the director of the department of water resources, shall provide notice to the department of water resources of any change in ownership of any part of the water right or of any change in the owner's mailing address, either of which occurs after June 30, 2000.

(4) ...The filing of an application to change a water right under the provisions of section 42-211 or section 42-222, Idaho Code, showing a change in address of the owner of the right, and accompanied by evidence documenting any change in ownership of the water right, shall be deemed compliance with this section.

2. Based on documentation available to the Department, the application and water right 37-20565 is owned by Michael T. and Tia Lloyd.

3. Without the additional information requested from the applicant, the Department cannot ascertain their continued interest in the application, and that the change in water use proposed in the application will satisfy the requirements of Idaho Code §42-222.

4. The Department should reject transfer application no. 71369.

ORDER

IT IS HEREBY ORDERED that transfer application no. 71369 in the name of Michael T. and Tia Lloyd is **REJECTED** without prejudice.

Dated this 8th day of May, 2006.


GARY SPACKMAN
Chief, Water Allocation Bureau