

MEMO

TO: IDWR File for Water Rights 29-417B and 29-418B

FROM: James Cefalo

DATE: July 15, 2022

RE: Error in Previous Ownership Change

On March 29, 2022, James and Madalyn Phillips filed a Notice of Change in Water Right Ownership, proposing to update the ownership records for water rights 29-417B and 29-418B. Phillips provided a deed from the current owners of record for the water rights, Scott and Stephanie Geraughty, but the deed from Geraughty to Phillips only covered 8.6 acres of the 10.0 acres described in the water rights. I reviewed all the ownership changes completed after the water rights were decreed and discovered an error in a previous ownership change. This memo is intended to describe the error and explain how IDWR will correct the error.

The Snake River Basin Adjudication court issued partial decrees for water rights 29-417B and 29-418B on August 27, 2004. The decreed owner of record for the water rights was Winona L. Armstrong. Winona L. Armstrong passed away and her property was conveyed to a daughter, Sandra Armstrong Evans. On July 1, 2010, Sandra Armstrong Evans and John D. Evans executed two warranty deeds that conveyed the entirety of the place of use for water rights 29-417B and 29-418B to Adam and Patty Carter. Carter filed a Notice of Change in Water Right Ownership, and the ownership records for the rights were updated accordingly.

In 2017, Carter conveyed two parcels of land to Scott and Stephanie Geraughty. The two parcels covered most, but not all, of the authorized irrigation place of use for water rights 29-417B and 29-418B. On October 12, 2017, Geraughty filed a Notice of Change in Water Right Ownership, seeking to update the ownership for all of water rights 29-417B and 29-418B. The notice did not propose to split the water rights and Geraughty only paid a filing fee of \$50, indicating that they did not propose to split the water rights.

When it reviewed the Geraughty ownership change, IDWR did not discover that the deed from Carter to Geraughty only covered a portion of the place of use described in water rights 29-417B and 29-418B. IDWR staff should have requested an additional \$150 from Geraughty and split the rights. Based on the acreage described in the deed from Carter to Geraughty, Geraughty only owned 8.6 of the 10.0 irrigated acres described in the water rights.

On March 29, 2022, James and Madalyn Phillips filed a Notice of Change in Water Right Ownership for water rights 29-417B and 29-418B. The Phillips provided a copy of a warranty deed from Geraughty to Phillips for the same two parcels Geraughty purchased from Carter. The notice from Phillips did not propose to split the water rights and included a filing fee for \$50.

Because IDWR erred by not processing the Geraughty notice properly, IDWR should not pass the cost of the split onto the Phillips. I will split the water rights according to the deed from Carter to Geraughty and will process the notice filed by Phillips using the new split water right numbers.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/15/2022

Water Right 29-417B (Before Split)

Owner Type **Name and Address**
Current Owner STEPHANIE GERAUGHTY
1634 W ARIMO RD
ARIMO, ID 83214

Current Owner SCOTT M GERAUGHTY
1634 W ARIMO RD
ARIMO, ID 83214

Priority Date: 5/1/1887

Basis: Decreed

Status: Active

Source
GARDEN CREEK

Tributary
MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.210 CFS	
	<u>Total Diversion</u>		0.210 CFS	

Source and Point(s) of Diversion:

GARDEN CREEK NWNE Sec. 7, Twp 10S, Rge 36E, BANNOCK County

Place of Use:

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	4									10.0								10.0

POU Total Acres: 10.0

Conditions of Approval:

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 10 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00417B, 29-00418B
2. C18 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.

7/15/2022

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/15/2022

Water Right 29-418B (After Split)

Owner Type **Name and Address**
Current Owner ADAM CARTER
12295 S 300 E
MALAD CITY, ID 83252-6657

Current Owner PATTY CARTER
2805 W ARIMO RD # A
ARIMO, ID 83214

Priority Date: 5/1/1904

Basis: Decreed

Status: Active

Source
GARDEN CREEK

Tributary
MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.040 CFS	
	<u>Total Diversion</u>		0.040 CFS	

Source and Point(s) of Diversion:

GARDEN CREEK NWNE Sec. 7, Twp 10S, Rge 36E, BANNOCK County

Place of Use:

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	4									1.4								1.4

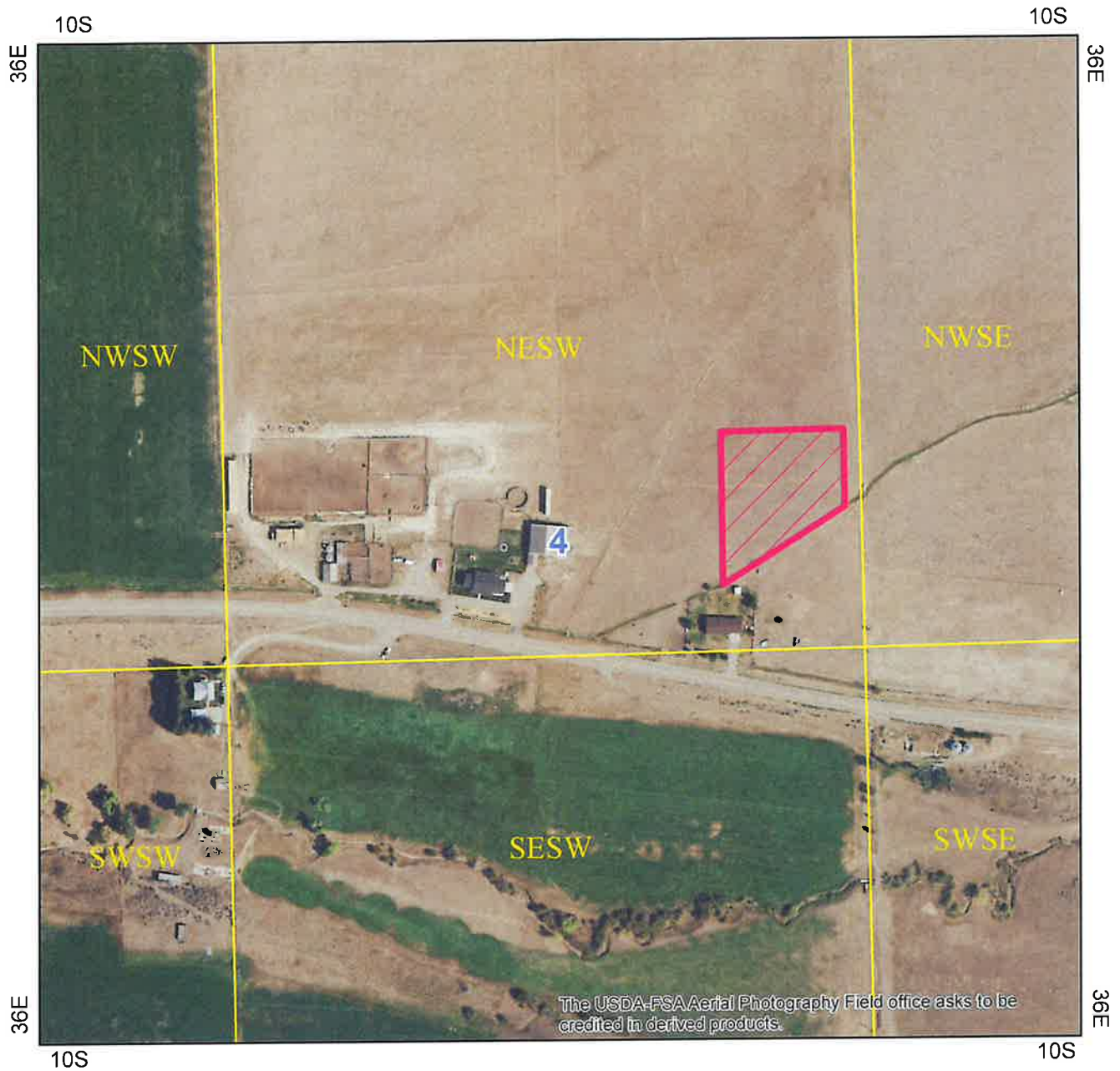
POU Total Acres: 1.4

Conditions of Approval:

1. X35 Rights 29-417B and 29-418B when combined shall not exceed the irrigation of 1.4 acres.
2. C18 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. Idaho Code § 42-1412(6).

State of Idaho
Department of Water Resources

Water Rights 29-417B and 29-418B (After Split)



-  Water Right POU
-  Townships
-  PLS Sections
-  Quarter Quarters

0 200 400 800 Feet



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/15/2022

Water Right 29-14483

Owner Type **Name and Address**
Current Owner JAMES W PHILLIPS
 1634 W ARIMO RD
 ARIMO, ID 83214-1503

Current Owner MADALYN L PHILLIPS
 1634 W ARIMO RD
 ARIMO, ID 83214-1503

Priority Date: 5/1/1887

Basis: Decreed

Status: Active

Source
GARDEN CREEK

Tributary
MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.180 CFS	
	<u>Total Diversion</u>		0.180 CFS	

Source and Point(s) of Diversion:

GARDEN CREEK NWNE Sec. 7, Twp 10S, Rge 36E, BANNOCK County

Place of Use:

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	4									8.6								8.6

POU Total Acres: 8.6

Conditions of Approval:

1. X35 Rights 29-14483 and 29-14484 when combined shall not exceed the irrigation of 8.6 acres.
2. C18 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. Idaho Code § 42-1412(6).

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/15/2022

Water Right 29-14484

Owner Type **Name and Address**
Current Owner JAMES W PHILLIPS
 1634 W ARIMO RD
 ARIMO, ID 83214-1503

Current Owner MADALYN L PHILLIPS
 1634 W ARIMO RD
 ARIMO, ID 83214-1503

Priority Date: 5/1/1904

Basis: Decreed

Status: Active

Source
GARDEN CREEK

Tributary
MARSH CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.240 CFS	
	Total Diversion		0.240 CFS	

Source and Point(s) of Diversion:

GARDEN CREEK NWNE Sec. 7, Twp 10S, Rge 36E, BANNOCK County

Place of Use:

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	4									8.6								8.6

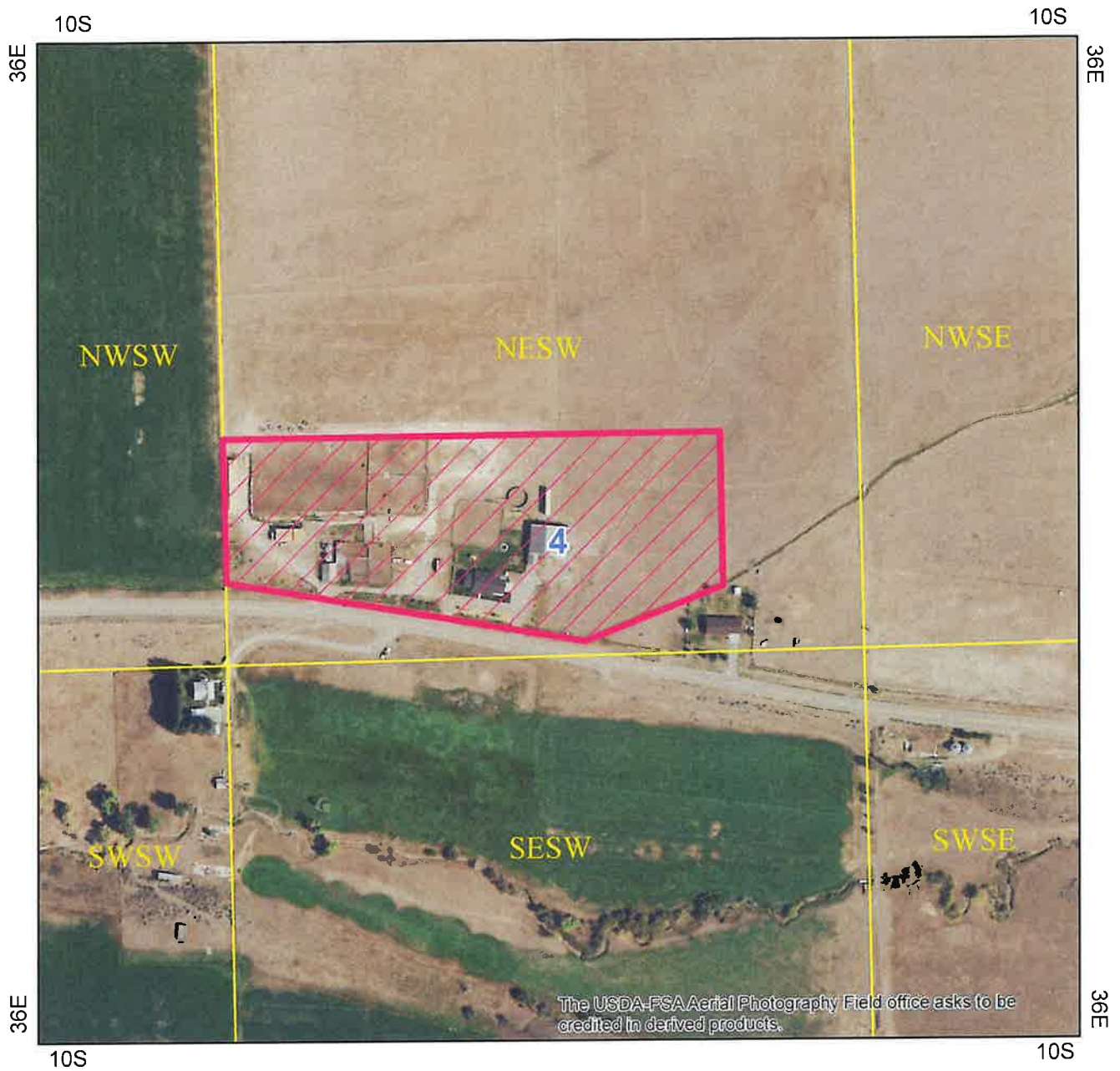
POU Total Acres: 8.6

Conditions of Approval:

1. X35 Rights 29-14483 and 29-14484 when combined shall not exceed the irrigation of 8.6 acres.
2. C18 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. Idaho Code § 42-1412(6).

State of Idaho
Department of Water Resources

Water Rights 29-14483 and 29-14484



-  Water Right POU
-  Townships
-  PLS Sections
-  Quarter Quarters

0 200 400 800 Feet

