

MEMORANDUM

Date: June 8, 2022
To: Transfer 86315
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to update the ownership and to correct an error in the place of use description. Water right 15-2045A was licensed in 1979. The beneficial use field exam for the right includes a map indicating that the irrigated fields were located in the NENE SWNE, and SENE of Section 3, T14S, R36E. When the license was issued, however, the place of use was described in the NENE, SWNE and SENW of Section 3. This application will correct the legal description error.

Authority to File:

The applicant provided documents tracing ownership of the proposed place of use back to the original owner Raymond Evans. Oneida County tax lot data shows Donald and Annie Evans Family Trust as the owner of the place of use. Annie Evans has authority to sign on behalf of the trust.

Water Right Validity:

The right included in this transfer was licensed in 1979. Review of 2015, 2017, 2019, and 2021 aerial photography shows growing vegetation on the proposed place of use. Forfeiture does not appear to be an issue. Water right 15-2045A authorizes 75 acres of irrigation. However, Applicants only own 70 acres. Of the 70 acres, there are only 68.5 irrigable acres because of roads, buildings and the ditches crossing the property. The right will be reduced to 68.5 acres to reflect the irrigation occurring over the last 40 years.

The 1979 license approved the place of use in the NENE, SWNE, and SENW Sec 3 T14S R36E. In 1996 an ownership change split the water right into "A" and "B" portions, leaving 75 acres within the NENE and SENW for water right 15-2045A. Department records clearly show that the correct place of use is in the NENE and SENE.

Injury to Other Water Rights:

Other rights do not appear to be injured by the proposed change. This transfer is fixing a clerical error and no physical change is taking place. Neither the point of diversion nor the quantity authorized to be diverted will change as a result of the transfer. Since it is clear that the proposed change will not adversely impact other water rights, this application will not require public notice. Since this water right is not within a water district, no water master was contacted.

Enlargement of Use:

The proposed change does not appear to result in enlargement because neither rate nor irrigated acreage will increase as a result of the transfer. Licensing field exam refers to shares in Malad Valley Irrigating Company on the property. Application and property deeds also refer to MVI shares. Water right will be conditioned to note the overlap with MVI shares.

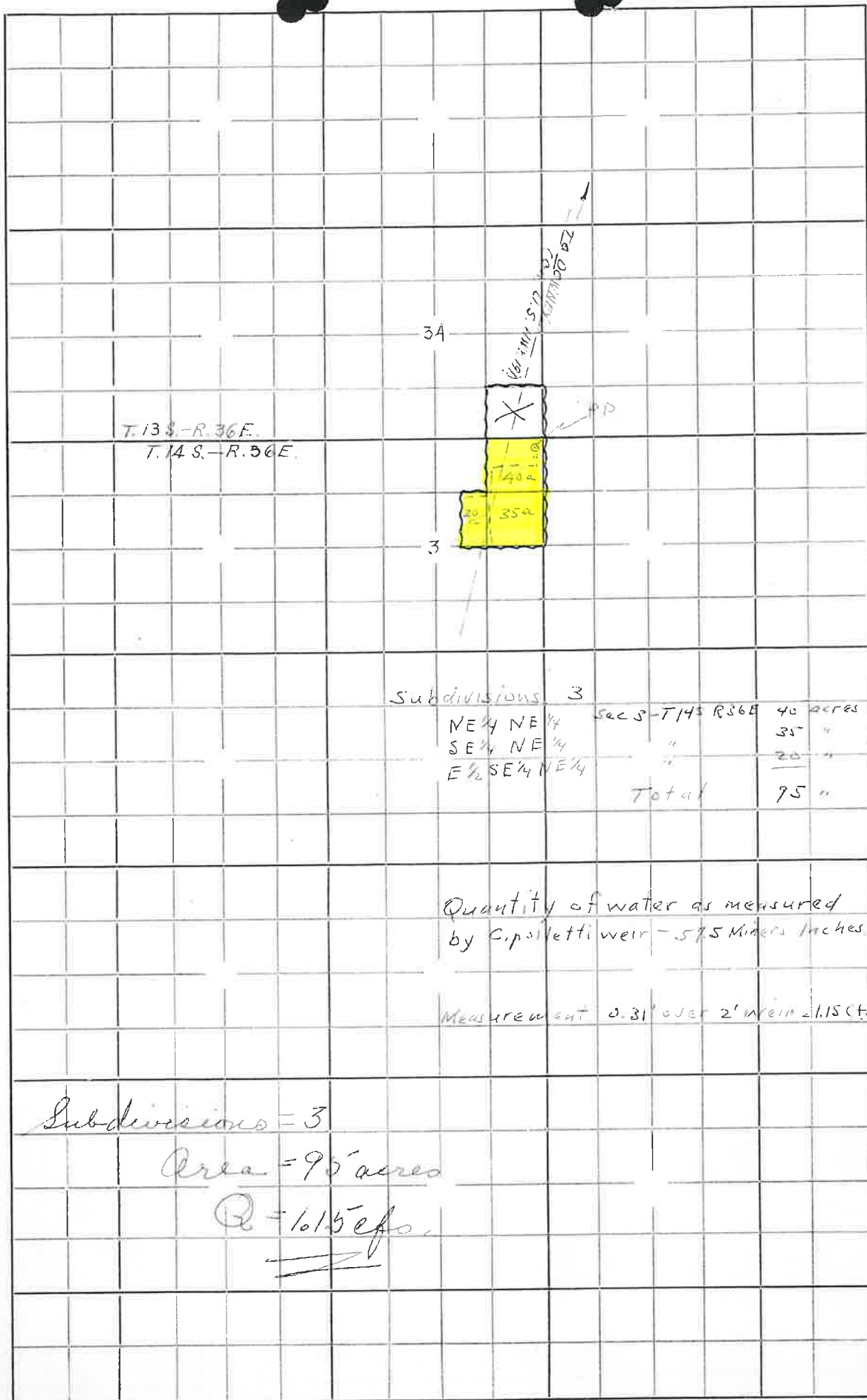
Local Public interest:

No issues identified.

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.



Subdivisions 3

NE 1/4 NE 1/4	Sec 3 - T14S R36E	40 acres
SE 1/4 NE 1/4	"	35 "
E 1/2 SE 1/4 NE 1/4	"	20 "
Total		95 "

Quantity of water as measured
by Cipolletti weir - 57.5 Miners Inches

Measurement 0.31' over 2' weir = 1.15 cfs

Subdivisions = 3

Area = 95 acres

Q = 1.15 cfs

State of Idaho

License and Certificate of Water Right

Water License No. G-25269

Amount 1.15 c.f.s.

Water District No. _____

Priority November 12, 1954

THIS IS TO CERTIFY that RAYMOND J. EVANS & PERRY L. JONES
of Malad City, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 12, 1954; that Permit No. G-25269
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.15 second feet, was issued thereunder on October 25, 1957, showing that said works
were completed on the 26th day of October, 1956; and that on the 26th
day of October, 1956, RAYMOND J. EVANS, PERRY L. JONES

of Malad City, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean, for the purpose of Irrigation
, under Use Permit No. G-25269 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
10 of Licenses at page 6158, on the 25th day of October, 1957;
The right hereby confirmed dates from November 12, 1954;

The Point of Diversion is located
in the NE 1/4 NE 1/4, Sec. 3, Tp. 14 S, R. 36 E., B. M. County Oneida

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.15 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 S.	36 E.	3	NE 1/4 NE 1/4 SW 1/4 NE 1/4 SE 1/4 NW 1/4	36 17 27	40 20 35
Total number of acres irrigated - - - -				95	

Should be SENE

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
25th day of October, 1957.

/s/ Mark R. Kulp
State Reclamation Engineer.

(SEAL)

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