

MEMORANDUM

Date: October 27, 2021

To: Transfer 85457

From: Michael Holliday

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to correct the legal description of the place of use of right 21-10773. The POU was decreed to the right parcel, but the wrong QQ. Correcting the QQ will clear up the internal inconsistency. No physical change will occur. Ownership will be updated in the transfer.

Authority to File:

Right 21-10773 was decreed to R. W. Markin, husband of the applicant. The POU was claimed and decreed in the NWSE of section 13. However, the water right contains an explanatory condition further describing the property as parcel no. RP 8710-89-3 A. A comment in the database says that parcel no. RP 8710-89-3 A is also known as Lot 89, Block 3, Valley View Subdivision #1. According to Fremont County that parcel is located in the SENW and is owned by the applicant. The applicant provided a copy of a quitclaim deed conveying the parcel to her. Based on the evidence it is clear that the QQ listed on the decree was in error, and that the applicant is the owner of the water right and has authority to file the transfer.

Water Right Validity:

Right 21-10773 was decreed in the SRBA in 1999. There is no evidence available to IDWR that would indicate five consecutive years of nonuse of the water right. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be impacted by the proposed transfer. There will be no physical change to either the POD or the POU. Only a portion of the legal description will change. Because the transfer will have no hydrologic impact, public notice will not be required.

Enlargement of Use:

The proposed changes will not result in enlargement because water use will not increase as a result of the transfer.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

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.