

MEMORANDUM

Date: July 22, 2021
To: Transfer 85095
From: Michelle Watts
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to rearrange 6 acres so the place of use for rights 31-11998, 31-12000, and 31-12002 aligns with the pivot irrigation system currently in use.

Authority to File:

The applicant is L2 LTD Partnership represented by Lewis Newman, the authorized agent according to the Idaho Secretary of State's Office. The applicant's representative, Rocky Mountain Environmental, states that the current owner of the water rights, L3 LTD Partnership, is incorrect and should be Duane and Yvonne Allen.

Right 31-7391, parent to right 31-11998, was licensed to Duane and Yvonne Allen in 1997. Rights 31-2340 and 31-2383, parents' to 31-12000 and 31-12002, were decreed to Duane & Yvonne Allen in 2002. Shortly thereafter a notice of change in water right ownership was submitted in 2004 conveying the rights from the Allens' to L2 LTD Partnership. According to Records Memorandum No. 9 the conveyance of title to real property is effective when a grantor executes and delivers a deed to a grantee. The warranty deed submitted had no signature from the grantor, and is therefore not a legal conveyance document.

Transfer Application 73908 approved in 2008 split parent rights 31-2340, 31-2383, and 31-7391 into 31-11998, 31-12000, and 31-12002. It also changed the ownership from L2 LTD Partnership to L3 LTD Partnership. The conveyance documents for the ownership change included the same warranty deed from the 2004 ownership change and 2006 Jefferson County Treasurer receipts for the two parcels associated with the place of use. Again, according to Records Memorandum No. 9, Tax Notices should not be utilized as a conveyance document because they do not indicate ownership and lack property descriptions.

As of April 27, 2021 Jefferson County parcel data lists Ralph Bean as the property owner for the two parcels associated with the place of use. A properly signed personal representative's deed has been provided conveying ownership of the two parcels from Ralph and Lois Bean to Duane and Yvonne Allen. Duane and Yvonne Allen are the water right and property owners and have signed a statement authorizing L2 LTD Partnership to make changes to the water rights. The applicant has proper authority to file the transfer. Ownership of rights 31-11998, 31-12000, and 31-12002 have been corrected to Duane and Yvonne Allen.

Water Right Validity:

Right 31-7391, parent to right 31-11998, was licensed in 1997. Rights 31-12000 and 31-12002 were decreed in 2002. Review of vegetation indices from 2016 to 2020 indicate application of water in the current place of use. 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 the point of diversion. Because the transfer will have no hydrologic impact, public notice will not be required. The proposed changes have been reviewed by the watermaster of WD 110, in which he does not oppose the approval of the application.

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.