

MEMORANDUM

Date: August 20, 2019
To: Transfer 83547
From: Jeff Nield
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for water right 22-12415. The SRBA claim and partial decree for water right 22-12415 contained incorrect legal descriptions for the point of diversion and place of use. The SRBA Claim was filed by Eloise Muir, whose mailing address was 701 W 2000 N in Rexburg. The claim described the point of diversion and place of use in the NENE of Section 18. The home for 701 W 2000 N is actually located in the NENW of Section 18. The Eloise Muir home is now owned by her daughter and son-in-law, Sherry and Gary Farnsworth. According to the Farnsworths, Muir never owned any property in the NENE of Section 18. The three homes and outbuildings located in the NENE of Section 18 are already covered under other domestic rights (22-10225, 22-10226, 22-11139, 22-10735 and 22-11015). Evidence strongly suggests that the home and well associated with water right 22-12415 have always been located in the NENW of Section 18.

Authority to File:

A Notice of Change in Water Right Ownership form was submitted with the transfer application, including a warranty deed with the correct legal description, showing the subject property was conveyed from the current water right owner to the applicants in 2018. The application was signed by Gary and Sherry Farnsworth, both trustees of the family trust.

Water Right Validity:

The right proposed to be transferred was decreed in the SRBA in 1999. The home has been occupied since the right was decreed and there is no reason to believe the water has not been used for its beneficial use. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

Injury to other water users does not appear to be an issue. The actual location of the place of use and point of diversion will not physically change, the legal description is simply being changed to reflect the existing conditions. Since this transfer will not change the physical location of any point of diversion or water use, this application will not require public notice.

Enlargement of Use:

The proposed change will not result in an increase in rate or any other elements of the water right. Enlargement does not appear to be an issue.

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.

MEMORANDUM

Date: August 22, 2019
To: Transfer 83547
From: James Cefalo
Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.