

MEMORANDUM

Date: November 13, 2018
To: Transfer 82759
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use for rights 34-575 and 34-864.

Authority to File:

The applicant, Ronnie Quick, has the authority to file.
Ronnie Quick signed the application.

At the time of transfer submittal, the water rights were owned by Emma and Arthur Keller, according to the Department's database. The applicant provided a chain of deeds linking him with the Kellers. Based on that chain of title, the ownership of the water rights will be updated to Ronnie Quick. The applicant owns the post-transfer place of use according to the chain of title.

At the time of transfer submittal, some of the water right was on land not owned by the applicant. Butte County taxlot data indicated that the land was owned by Lincoln Driscoll. Mr. Driscoll signed the application, indicating that he had no interest in the water right.

Water Right Validity:

The rights were decreed in 1997.

The applicant provided a Declaration in Defense of Forfeiture. In it, he states that the water right went unused from 2003 through 2014 due to the poor health of the then-owner. During that 11 year period, the infrastructure used to deliver water to the decreed place of use fell into disrepair, according to the declaration. Finally, Mr. Quick states that he hasn't previously used the water right because he lacked the funding to repair the infrastructure. He now has the money saved up to repair the infrastructure and utilize the water in the place of use proposed in this transfer. This defense to forfeiture is acceptable under Idaho Code 42-223(6).

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer.

The Watermaster for Water District 34 was notified of the transfer and did not comment.

Enlargement of Use:

No enlargement of use will result from this transfer's approval.

The total number of irrigated acres authorized under the water rights will be reduced by 2.6 acres. No additional rate is authorized.

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: November 30, 2018
To: Transfer 82759
From: Cooper Fritz
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.