

MEMORANDUM

Date: September 18, 2018
To: Transfer 82642
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer application proposes to change the place of use for a 4.5-acre portion of water rights 74-389 and 74-391 update the ownership for the split portions of the water rights. The ownership updates were completed prior to the transfer approval. Water right 74-16179 was split from water right 74-389. Water right 74-16180 was split from water right 74-391.

Authority to File: Application was filed by Michael & Christine Cooper. Applicants provided copies of warranty deeds supporting their ownership of a 4.5-acre portion of water rights 74-389 and 74-391. In 2015, the Coopers completed a land swap with their neighbor, Lois Bowman. The property conveyed by Bowman to the Coopers included 4.5 irrigated acres under water rights 74-389 and 74-391. The Warranty Deed from Bowman to the Coopers did not reserve the water rights from the conveyance.

Water Right Validity: Water rights 74-389 and 74-391 were decreed in 2007 and authorized the irrigation of 45 acres. More than 45 acres have been irrigated under these water rights every year since 2007. There is no apparent forfeiture issues. In May 2018, Lois Bowman filed Transfer Application 82445, attempting to address unauthorized irrigation occurring on her property. During the review of Application 82445, IDWR staff discovered the ownership issue for the 4.5 acres associated with the Cooper property.

Injury to Other Water Rights: Application 82642 will not change the authorized point of diversion for these rights. No issues identified.

Enlargement of Use: No issues identified. The beneficial use under the water rights will continue to be the irrigation of 4.5 acres.

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.