

MEMORANDUM

Date: June 14, 2018
To: Transfer 82445
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use for water rights 74-389 and 74-391. Approximately 12 acres have been irrigated on Applicant's property without a water right. This area should have been included in a SRBA claim, but was not. Water right 74-390 was decreed to this ground in the Lemhi Adjudication, but for some reason was not claimed in the SRBA. The 12-acre area was clearly irrigated in 1987 aerial photos. Fortunately, water rights 74-389 and 74-391 have sufficient acres to cover the 12 acres.

Authority to File: Application was signed by Lois Bowman. Jay and Lois Bowman are the current owners of record for water rights 74-389 and 74-391. The Bowmans acquired the property in 2004 and filed an ownership change in 2006. Jay Bowman died in June 2017. Proposed place of use is owned by Lois Bowman according to Lemhi County taxlot records.

During the transfer review, I discovered that Lois Bowman no longer owns a portion of the existing place of use for the water rights. In 2015, Bowman completed a land exchange with neighbors Michael and Christine Cooper. Lois conveyed a 5.2-acre parcel to the Coopers. 4.5 acres of water rights 74-389 and 74-391 were appurtenant to the property conveyed to the Coopers. The water rights were not withheld from the conveyance. Therefore, the Coopers are the owners of 4.5 acres of the water rights. These 4.5 acres cannot be included in this transfer.

The Coopers have been notified of the water rights and will file an ownership change and transfer application in the coming weeks. 4.5 acres will be removed from the proposed place of use consistent with a map reviewed by Emil Herbst, the current renter of the Bowman property.

In anticipation of the ownership change and transfer application to be filed by the Coopers (which will cover the fees associated with water right splits), the water rights were split prior to approving the Bowman transfer. Doing so will keep the original water right numbers with the larger portion of the right and will assign the new water right numbers to the Cooper portion of the rights.

Water Right Validity: Water rights were decreed in 2012. At least 43 acres have been irrigated on the Bowman and Cooper properties each year since the decree. Forfeiture is not an issue.

Injury to Other Water Rights: Point of diversion will not change. Proposed change in place of use will reflect the irrigation configuration that has been in place for many years.

Enlargement of Use: Proposed change will not result in an increased beneficial use under the water rights.

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.