

MEMORANDUM

Date: September 21, 2017
To: Transfer 81915
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

Water rights 35-2420, 35-7768 and 35-11213 were decreed in 2002. Water right 35-8926 was licensed in 1997. The water rights included a combined limit of 588 acres. Three of the 588 acres were located on state of Idaho land. In 2012, 2W Lands LLC filed an ownership change for the four rights. The Department reviewed the land ownership deeds and decided to split the rights. Water rights 35-2420, 35-7768, 35-8926 and 35-11213 were appurtenant to the state of Idaho lands and covered 3 acres. The 2W Lands LLC owned the split portions of the rights (35-14321 thru 35-14324).

2W Lands LLC recently obtained a letter from the Idaho Department of Lands disclaiming any ownership interest in the water rights. 2W Lands LLC and its predecessors in interest never owned the state land.

This transfer proposed to undo the 2012 ownership change split, return the water rights to their original water right numbers and original elements. The transfer also proposes to move the three acres in question off of the state land and fully onto land owned by 2W Lands LLC.

The ownership change split was undone prior to entering the rights into the transfer process. Water rights 35-2420, 35-7768, 35-8926 and 35-11213 were returned to their decreed elements. Water rights 35-14321 thru 35-14324 were changed to inactive rights.

Authority to File:

A portion of the current POU for the water rights is owned by the State of Idaho, but a letter provided with the application from the Department of Lands states the IDL has no interest in the water rights associated with the current POU. Bingham County taxlot data confirms that the applicant is the property owner of the proposed POU, and Mr. Byron Wood is authorized to sign on behalf of 2W Lands, LLC. The applicant has the authority to make the change.

Water Right Validity:

Water rights 35-2420, 35-7768 and 35-11213 were decreed in the SRBA in 2002. Water right 35-8926 was licensed in 1997. Review of 2006, 2011 and 2015 aerial photography shows growing vegetation consistent with irrigation practices. Forfeiture is not an issue.

Injury to Other Water Rights:

Other rights will not be injured by the proposed change. The transfer will restore the water rights to the pre-split values, and no points of diversion are to be added. Since the proposed change will not adversely impact other water rights, public notice will not be required.

Enlargement of Use:

The proposed change will not result in enlargement because neither the rate, volume or irrigated acres will increase above the pre-split values as a result of the transfer.

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.