

MEMORANDUM

DATE: April 26, 2017

TO: Water Right File 63-8641

FROM: Shelley W. Keen *SWK*

RE: Ownership Change

Today IDWR received an ownership change from Adams Family Farms LLC for Water Right 63-8641. The right was decreed to Yamamoto Farms, Inc., in the SRBA, but Yamamoto farms has not ever owned the place of use. The application for permit filed by Yamamoto Farms in 1977 states that L.A. Adams owned the place of use and Yamamoto Farms leased it from Adams.

When a court decrees ownership of a water right to someone who has never owned the place of use, IDWR views the decree as an intentional determination that ownership of the water right is separate from ownership of the land. Therefore, IDWR will not process an ownership change notice based on a warranty deed provided by the landowner. For that reason, Adams Family Farms LLC used a quitclaim deed executed by Yamamoto Farms instead of a warranty deed as evidence of the ownership change.

IDWR's Records Memo No. 9 states, "If a quitclaim deed were provided showing conveyance of the property from the last know recorded owner of the water right, there is some confidence that the grantor has an interest in the water right to convey." In this case, IDWR can be confident that Yamamoto has an ownership interest to convey because the SRBA court decreed it to be the owner of the water right.