

MEMORANDUM

Date: April 11, 2016
To: Transfer 80275
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to split off the applicant's 39.1 acre portion of rights 15-2022 and 15-2027 and move the POD to the applicant's well. The transfer was processed concurrently with the licensing of overlapping right 15-7256.

Authority to File:

The applicant, LouAnn Thomas, has the authority to file.

Progress Irrigating Company, the owner of the two licenses at the time of submittal, was incorporated in the year 1938. The original filing papers were not available from the Idaho Secretary of State. After 1938 it filed no further paperwork with the Secretary of State, which forfeited the Company in 1983.

The Applicant has provided a chain of deeds leading from her back to Oscar Larson on the land proposed for split. According to the Applications for Permit and Statements of Completion of Beneficial Use for both transferred water rights, Oscar Larson was the Agent for Progress Irrigation Company, as well as a shareholder.

The applicants own the POD as proposed in this transfer according to Oneida County taxlot data.

Water Right Validity:

The water rights are valid at the proposed POU.

The water rights were licensed in the 1970s.

Review of post-licensing aerial photography demonstrates consistent irrigation of the portion of the water rights proposed for split.

Injury to Other Water Rights:

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

The transfer was advertised and protested by Samaria Water & Irrigation Company. That protest was subsequently withdrawn without condition.

Enlargement of Use:

No enlargement of use will occur as a result of this transfer.

The transfer does not authorize any additional rate, volume, or irrigated acres.

Because the transfer was approved simultaneously with the licensing of overlapping right 15-7256, a limiting condition was added to the rights split in this transfer that included right 15-7256.

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.