

MEMORANDUM

Date: April 8, 2015
To: Transfer 80525
From: Kerrie Mathews
Re: Transfer Evaluation

Transfer No. 80525 proposes to combine water rights 13-855 and 13-856 with a 21-acre portion of water right 13-852 and a 42-acre portion of water right 13-857 to create a 128-acre combined place of use. The transfer also proposes to update the point of diversion for all of the water rights to reflect the current point of diversion from Williams Creek. The transfer also proposes to update the ownership records for the transferred portion of the rights.

All four water rights are still in the names of the owners at the time of the 1920 Bear River Decree (13-852 and 13-857 = James McGregor; 13-855 and 13-856 = Collins). Applicants, Eddie and Andrea Jensen own all of the property described in the places of use for water right 13-855 and 13-856 (Collins). They provided deeds tracing back to Collins.

Jensens only own a portion of the property described under water rights 13-852 and 13-857. Before the water rights could be split, I had to determine what property was owned by James McGregor in 1920. Using the deeds provided by the Jensens, I was able to define the McGregor property and calculate the proper split amounts.

The general description for water rights 13-852 and 13-857 listed in the 1920 decree include ground on the west side of the Bear River. It was unlikely that water was conveyed across the Bear River in 1920. Therefore, the recognized place of use for the rights was limited to the ground on the east side of the river (where Williams Creek arises).

Water rights 13-821, 13-854 and 13-860 overlap portions of water right 13-852 and 13-857. However, at this time it is unclear whether the overlap includes the portion of the property owned by the Jensens, so the overlapping water rights were not included in this transfer. A separate ownership split will be submitted to update the ownership for those rights.

The Jensens propose to consolidate their portions of the water rights onto a 128-acre place of use. The total authorized diversion rate will be limited to 2.56 cfs to match the rate authorized under decree.

Authority to file:

The water rights are currently in the name of several different owners. The corrected place of use is in the name of Eddie Jensen and McGregor. The Jensen's provided warranty deeds indicating that they are the true owners of the property and the owners of portions of these rights. A complete warranty deed trail is included with the file.

Validity of the Water Right:

Water rights 13-852, 13-855, 13-856 and 13-857 were decreed on July 14, 1920. Aerial photography shows consistent irrigation. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. Each property owner who may have an interest in these rights were notified by private letter regarding this transfer. Some of the owners responded to the letter and confirmed that they do not oppose the transfer. The application was advertised, no protests were received. The water master for WD11 was notified of the transfer and did not oppose the transfer.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.