

MEMORANDUM

Date: December 1, 2014
To: Transfer 79125
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

As originally filed, Scott Nelson proposed changing the point of diversion and place of use for the full water right 11-73 (80 acres). The transfer, as approved, changes the place of use, point of diversion, and ownership for a 2.2-acre portion of right 11-73. Nelson has demonstrated ownership of a 2.2 acre portion of the right.

The Paris Creek Decree vaguely describes the place of use for water right 11-73 within the SENE and SWNW of Section 10, T14S, R43E. A field examination showed that a total of 15 acres are irrigatable within the two decreed QQs. The remaining 65 acres are steep canyon walls.

Of the 15 irrigable acres, Mr. Nelson demonstrated ownership of 2.2 acres. In the time between transfer submittal and approval, the other 12.8 acres of right 11-73 were split via ownership changes into rights 11-7817, 11-7818, and 11-7819.

Authority to File:

The applicant, Scott Nelson, has the authority to file. Nelson provided a quit-claim deed from Anne M. Heninger conveying to Nelson all of her interest in right 11-73. According to Bear Lake County taxlot data, she owns 2.2 of the 15 total irrigable acres.

Nelson owns the ground onto which the 2.2 acres will be transferred according to Bear Lake County taxlot data. The new point of diversion will be into the Paris Relief Canal. Minutes from the 2011 Annual Meeting of the Paris Relief Canal were supplied, in which all attendees, representing 777.42 of 815.52 total shares, voted unanimously in favor allowing Nelson to move water right 11-73 into the canal.

Water Right Validity:

The water right is valid. It was decreed in 1932. According to Water Master records, the right has been diverted in full every year since record keeping began in 1995.

Injury to Other Water Rights:

No injury to other water rights will result from this transfer's approval. The transfer was advertised and no protests were received. The Watermaster for Water District 11E was notified of the transfer and did not oppose its approval.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Neither rate or irrigated acres are authorized to be increased.

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.