

MEMORANDUM

Date: October 8, 2015
To: Transfer 80414
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to rearrange the place of use for water right 15-2063.

Authority to File:

The applicants have the authority to file. At the time of filing, the owners of record for water right 15-2063 were Bertrund Wight and Charles Thomas. The applicants provided deeds tracing ownership back to Bertrund Wight for portions of the SWNE, Lot 2 (NWNE), and SENW of Section 3, T15S, R 35E. In Lot 3 (NENW) of the same Section, the applicants provided a quit-claim deed from Ronald and Shirlee Blaisdell that specifically included conveyance of the water right.

Because the department's records did not clearly delineate the place of use in Lot 2 (NWNE) and Lot 3 (NENW), and the deeds did not include Lot 3 (NENW), direct notice of the transfer was provided to all of the property owners in those two lots. All but one of the direct notice recipient contacted the department with follow-up questions, but none of the recipients protested the proposed change.

Water Right Validity:

The water right is valid. It was licensed in 1972. Aerial photography indicates consistent irrigation of the proposed place of use.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The transfer does not propose any physical changes, it simply updates the department's records.

Enlargement of Use:

No enlargement of use will occur as a result of this transfer. The transfer does not authorize an increase in rate, volume, or irrigated acres. The transfer applicant, Price, asserts that water has been used at the proposed place of use for many years.

The acres being removed from the water right are now covered by ground water right 15-7225 (2002 priority date). Price asserts that water right 15-2063 had already been moved off of the ground prior to the development of water right 15-7225. In other words, these two ground water rights were never stacked. The backfile for water right 15-7225 does not contain any reference to water right 15-2063, indicating that the applicants did not have any intent to stack the two rights and suggesting that water right 15-2063 had already been moved off the property, as asserted by Price.

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.

MEMORANDUM

Date: October 14, 2015
To: Transfer 80414
From: Cooper Fritz
Re: Legal Notice Not Required

Legal Notice Not Required
10/14/2015

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.