

MEMORANDUM

Date: July 21, 2015
To: Transfer 80115
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to split right 22-13798 through an ownership change and to change the location of the point of diversion to an existing well on the applicants' property.

Authority to File:

The applicants could not show chain of title to the current owner of record because a previous ownership change was processed in error. Parent license 22-7690 was originally issued to Correia in 1995. Five years later Jared and Linda Nusbaum filed an ownership change and the entire right was put in their names because an exception on the deed from the Correias to the Nusbaums was overlooked. The transfer applicants are the current owners of the land that was included in the exception, and they demonstrated authority to file by providing full chain of title back to the original license holder. It is clear that they own a 4 acre portion of right 22-13798.

Water Right Validity:

Right 22-13798 was licensed in 1995. Although review of aerial photography shows only partial irrigation of the place of use in some years, growing vegetation is evident on 3.6 acres in the 2009 and 2014 imagery. The applicants indicated that 0.4 acres had been forfeited due to construction of a house, driveway, and corral. While the irrigation of the remaining 3.6 acres has not been consistent, there does not appear to have been five consecutive years of non-use, and therefore no forfeiture on those acres.

Injury to Other Water Rights:

Other rights will not be injured by the proposed change. The quantity of water being transferred is small, and the proposed well is located within the same 40 acre tract as the current well. The total quantity authorized to be diverted after the split will not change as a result of the transfer. The application was advertised and no protests were filed.

Enlargement of Use:

The proposed change will not result in enlargement of use because the total acreage, diversion rate, and volume authorized for irrigation under the right will not increase. Surface water rights 22-13845 and 22-13846 partially overlap right 22-13798. Upon transfer approval the shape files for these rights will be shifted southwest and will continue to overlap 22-13798 in order to prevent enlargement.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

No issues identified.

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.