

MEMORANDUM

Date: March 25, 2015
To: Transfer 79919
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to correct an apparent error in the Department's database. It changes the beginning POD for an instream stockwater right (29-10533) from the SENE to the SENW of Section 18, T09S, R35E. It also updates the ownership. According to the transfer applicant, the subject property, where the cows are located, never extended into the SENE of Section 18.

Authority to File:

The applicant, Jeffrey Stewart, has the authority to file. Oneida county taxlot data indicates that Gene A. and Lois Ann Stewart own the land where the instream stockwater right has been used. They are the current owners of the water right according to the Department's database. A warranty deed included with the application conveys the land from Gene & Lois Stewart to Jeffrey Stewart. The deed covers a lot of land in the immediate area and does not include the SENE of Section 18, suggesting that Gene & Lois Stewart never owned the SENE of Section 18.

Water Right Validity:

The right appears to be valid. It was decreed in 1998. The applicant asserts that the right has been used within the past five years for watering up to 200 beef cows. There is no evidence available to the Department at this time suggesting that the water right is not valid.

Injury to Other Water Rights:

No other water rights will be injured by this transfer. No physical changes are authorized, only an update of the Department's database.

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.

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Re: Legal Notice Not Required

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3/25/2015

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.