

MEMORANDUM

Date: March 5, 2015
To: Transfer 79808
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer corrects an error from a 1907 decree by describing the POU and POD for right 15-50 in the SWSW of Section 24, T14S, R35E. The ownership of the right is also updated.

Authority to File:

The applicant, J. Lynn Stayner, has the authority to file.

The applicant has provided a chain of deeds linking him to Arthur Stayner, to whom the right was originally decreed. The deeds indicate that Arthur Stayner never owned land in the SESW of Section 24, T14S, R35E, as decreed, but rather in the SWSW of the same Section.

Oneida County taxlot data indicates that J. Lynn Stayner currently owns property in the SWSW of Section 24.

Water Right Validity:

The water right is valid.

The applicant asserts that the right has not undergone a period of five or more consecutive years of non-use. Aerial photography demonstrates that at least one domestic home is in the POU.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer.

The transfer was advertised and no protests were received.

The transfer does not authorize any physical changes, it only updates the Department's database.

Enlargement of Use:

No enlargement of use will result from this transfer.

The transfer does not authorize an increase in rate or volume.

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.