

MEMORANDUM

Date: January 7, 2015
To: Transfer 79749
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the POU for water right 13-2196 to reflect its current irrigation practices. It also clarifies the POD location, which was listed on the license as the south center of the S ½ of Section 18, T10S R41E. The POD is located in the SESW of that Section.

Authority to File:

The applicant, Stoddard Farms of Grace, has demonstrated the authority to file.

An ownership change requested in 2014 by Stoddard Farms resulted in water right 13-2196 being split into 13-7916 (Stoddard Farms) and 13-2196 (Smith). Stoddard Farms asserted they owned the entirety of water right 13-2196 and chose to collect the supporting documents as part of this transfer.

According to deeds and Caribou County tax records, Stoddard Farms demonstrated ownership of the land for most of licensed right 13-2196, except for the eastern-most 26 acres in the SE1/4 of Section 18. Those 26 acres were not included in the deeds submitted for the ownership change and were on land owned by R. Lloyd Brothers. Stoddard Farms provided a quitclaim deed conveying R. Lloyd Brothers' interest in right 13-2196 to Stoddard Farms.

Jason Stoddard, who is listed as a general partner on the annual report for Stoddard Farms, signed the application.

Water Right Validity:

The water right is valid. It was licensed on 7/2/1969. Aerial photography indicates consistent irrigation of the acres at the proposed POU.

Injury to Other Water Rights:

No injury to other water rights will result from this transfer. The transfer simply serves to reflect the actual usage of right 13-2196. Water right is not within a water district. Transfer will not change point of diversion and does not need to be advertised.

Enlargement of Use:

No enlargement of use will occur as a result of this transfer. It does not authorized an increase in rate, volume, or irrigated acres.

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

Legal Notice Not Required
1/7/2015

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.