

MEMORANDUM

Date: October 6, 2014
To: Transfer 79549
From: Kerrie Mathews
Re: Transfer Evaluation

Transfer No. 79549 for water right 34-2294 proposes to move the water right to a new place of use, with a new point of diversion. The original application contained a discrepancy between the place of use description and the transfer map. An amended application was submitted correcting the discrepancy.

Authority to file:

The application was signed by Fran Magee, trustee of the Magee Family Trust. The water right is currently in the name of Dawn & Ron Brown. Magee provided a warranty deed showing that Ron & Dawn Brown acquired the property associated with the current place of use for right 34-2294 in 2001. Magee also provided a 2013 quitclaim deed from Ron & Dawn Brown to Ron Brown for the property. Magee also provided a quitclaim deed from Ron Brown to the Magee Family Trust for all of water right 34-2294. The proposed place of use is owned by the Magee Family Trust. An ownership change was not requested with the transfer application.

Validity of the Water Right:

Water right 34-2294 was decreed on April 18, 2008. Aerial photography does not show consistent irrigation. Watermaster for WD34 confirmed that Magee irrigated with water right 34-2294 in 2014. According to IDWR forfeiture review standards, water right 34-2294 has not been lost to forfeiture. The transfer can be processed. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. The application was advertised, no protests were received. The application was advertised based on the original application, which contained an error. The changes made in the amended application were not significant enough to warrant re-advertising. The water master for WD34 was notified of the transfer and did not oppose the transfer.

Enlargement:

No issues identified.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.