

MEMORANDUM

Date: October 02, 2012
To: Transfer 77911
From: mholliday
Re: transfer evaluation

This water right was decreed in the SRBA with the wrong legal description for both the point of diversion and the place of use. The purpose of this transfer is to correct the legal description of the point of diversion, although the physical well location will not change. The applicant wants to correct the legal description of the place of use to include the historical place of use and a portion of an adjacent QQ. The applicant will run a line from the existing well to a new trough located in the SWSE of section 22 so that he can water his cattle both there and in the historical place of use (the NWNE of section 27).

Authority to File:

The decreed place of use for this water right was the NWNW of section 27. However, one of the conditions on the water right further described the place of use by listing two rural parcel numbers. Upon request the applicant provided information from the Bingham County Assessors office which showed that at the time of the partial decree the two parcels were located in the NE quarter rather than the NW quarter. The water right was decreed to the applicants mother, Lila Oleson, and the deed of distribution of the estate shows that the land and appurtenances were conveyed to her two sons, George and Steven Oleson. The information provided by the applicant indicates that there was indeed an error in the legal description of the point of diversion and place of use of this water right, and that he and his brother are the owners of the right.

Water Right Validity:

This water right was decreed in the SRBA in 1999. There is no evidence that any portion of this water right has been lost due to forfeiture.

Injury to Other Water Rights:

No issues identified. Because there is no physical change in the location of the point of diversion, and because the transfer was filed primarily to correct errors in the legal descriptions on the partial decree, it was determined that advertisement of this transfer was unnecessary.

Enlargement of Use:

There is no evidence of enlargement of use. While the proposed place of use includes a portion of an additional QQ, there will be no increase in the authorized number of stock or in the authorized diversion rate.

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 application.