

MEMORANDUM

Date: September 14, 2011
To: Transfer 77510
From: kmathews
Re: Transfer approval

Transfer No. 77510 for water right no. 25-4056 proposes to change the water right owner, correct the point of diversion, and update the place of use to show the actual location of the home which is located in two different quarters.

In September 2011 the property, along with the domestic water right, was sold to Stan & Linn Hawkins. The applicant has submitted warranty deed information dating back to 1989, confirming the sale of the property and associated water rights by the original owner, Elsie Robison.

This water right was received as a beneficial use claim to water in 1980. The point of diversion on the claim application stated the POD was located at Twp 01S Rge 40E Sec 20, NWNW. The companion map showed the POD located at Twp 01S Rge 40E Sec 29, NWNW. This error was not found or corrected during the SRBA process. The SRBA Court issued a partial decree on March 26, 1999 listing the POD located at Twp 01S Rge 40E Sec 20, NWNW. The water right was decreed with an incorrect POD location. The applicant has submitted a water right settlement agreement from 2006 establishing the correct POD as Twp 01S Rge 40E Sec 29, NWNW, and establishing how the water will be used by each respective water user on the spring.

The update to the place of use is a correction to show the actual location of the home which is located on the border of two QQs. The new POU describes the entire taxlot parcel.

Authority to file:

The water right is currently in the name of Elsie and Thomas Robinson. Based on a chain of warranty deeds recorded with Bonneville County the property along with the water right was sold to Stan and Linn Hawkins.

Validity of the Water Right:

The water was decreed in 1999. House is present, forfeiture is not an issue.

Injury to Other Water Rights:

This transfer is defining the historical POU and POD, as such injury to other water rights is not found.

Enlargement of Use:

No issues identified.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified

Public Notice Requirements:

This transfer application is only a correction to an existing domestic right that has always been diverted from the corrected location and used in the updated place of use area. It was determined that no advertising would be required.

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.



HAWKINS TRANSFER NO. 77510

0 0.02 0.04 0.08 Miles