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WATER RESOURCES
WESTERN REGION

REVISED MEMORANDUM

TO: Kay Walker
FROM: John Homan 
DATE: March 17, 2009
RE: Ownership of WR 79-4009B

This Revised Memorandum replaces and supersedes the Memorandum dated February 12, 2009. This Revised memorandum was updated in response to new information submitted by the Applicant for transfer Augustus.

Ownership of Right 79-4009B

There are three different strands at work that need to be unraveled to establish ownership of this water right.

Background

Harvey Hosley filed a beneficial use claim for a water right in January 1972 for water appurtenant to Blocks 4, 7, 14, & 21 of Copperfield Addition. Harvey Hosely quitclaimed all interest in Lots 9, 8, 7, 6, 5, and the South 4 feet of Lot 4 of Block 4 with appurtenant water rights (*portion of WR # 79-4009B*) to H. Irene Hosely on February 18, 1977. Harvey Hosley later quitclaimed all interest in Block 7 together with water right # 79-4009B(*remainder of WR#79-4009B*) to Gerald Hosley in January 1979. Harvey Hosley subsequently signed away all of his rights in an Assignment of Permit in September 1986 to 79-4009P, aka 79-4009 (*later labeled as WR#79-4009A*) to Roberta Simonsen which also included a references to Block 4 and Block 7 in an attachment to the Assignment of Permit.

Jaros Strand: H. Irene Hosley acquired Lots 9, 8, 7, 6, 5, and the South 4 feet of Lot 4 of Block 4 with appurtenant water rights (*portion of WR # 79-4009B*) under the 1977 quitclaim deed from Harvey Hosley. Martha Beck/Victoria Wells acquired Lots 9, 8, 7, 6, 5, and the South 4 feet of Lot 4 of Block 4 with appurtenant water rights (*portion of WR # 79-4009B*) pursuant to the Last Will and Testament of H. Irene Hosley. Jaros acquired the lots in Block 4 under a warranty deed from Martha Beck/Victoria Wells which specifically included WR# 79-4009B in 1998. My review concluded that Jaros did acquire ownership of that portion of the original statutory claim aka WR# 79-4009B appurtenant to Lots 9, 8, 7, 6, 5, and the South 4 feet of Lot 4 of Block 4 of Copperfield Addition as his predecessor in interest did have ownership interest in the WR at the time

of conveyance in 1998. The SRBA Court has decreed the WR# 79-4009B to Gerald Hosley who has since conveyed his interest to Wilkins. The transfer applicant may want to file a late claim in the SRBA to address this ownership issue.

Gerald Hosley Strand: This WR passed to Gerald Hosley in 1979. IDWR recommended the WR in the name of Gerald Hosley to the SRBA Court in 2000. Gerald Hosley conveyed Block 7 to Wilkins in 2006 together with appurtenances which included the remainder of WR# 79-4009B. Wilkins filed a Change in Ownership with IDWR in 2006 for WR# 79-4009B together with 79-13993 and 79-10092. WR# 79-10093 is for a well physically located in Block 7. My review concluded that it was appropriate for IDWR to process this change as all of the water rights are appurtenant to Block 7 and were not sold off earlier.

Simonsen / Glen Hosley Strand: This strand involves the water appurtenant to Block 14 and Block 21 from the original beneficial use claim filed by Harvey Hosley. Simonsen acquired this water under an assignment of permit in 1986. She filed an SRBA claim in 1988 for 79-4009A. Simonsen conveyed Block 14 and Block 21 to Glen Hosley in 1995 and Hosley files a Change in Ownership identifying Block 14 and Block 21. SRBA claim identifies Glen Hosley as the owner for 79-4009A. WR 79-4009A is subsequently split into 79-13993 in the name of Wilkins and 79-13994 in the name of Cullins. My review concluded that WR 79-4009A and its progeny have been processed appropriately by IDWR.