

M E M O R A N D U M

Date: January 09, 2009
To: Transfer 75257
From: jreeder
Re: Evaluation of Sufficiency of Information Submitted

Transfer application #75257 proposes to change ownership on an existing water right (43-10345) and add a new stock water trough (SWSE of Section 23 16S 26E) to an existing system as an authorized place of use. Applicant maintains the owner stated on right (43-10345), Roscoe B. Ward, has never owned the land appurtenant to the right. Zollingers have provided a warranty deed that shows they purchased the property from the Barnes in 2001. I also contacted Cassia County Abstract that verified the chain of title for the property as two owners, Barnes and Zollinger. During analysis, an overlapping stockwater right (43-11197) was discovered in the SESW of section 23 16S 26E in the name of Gochmour. Examination of tax lot info indicates that Gochmour owns, or owned, the land to the west and did not own the tract involved with this transfer. It appears that this right probably should not have been decreed for this particular tract, and more than likely is not an actual physical overlap. The place of use and point of diversion is located approximately 20.8 miles due south of Malta and is in Water District 43B but outside the ESPA smooth boundary. The watermaster does not deliver this right since it sinks.

- Authority to File:
The applicants have supplied a warranty deed showing proof of ownership of lands and all appurtenances.
- Water Right Validity:
Decreed in the SRBA on 7/24/1998.
- Injury to Other Water Rights:
None anticipated.
- Enlargement of Use:
None anticipated.
- Local Public Interest:
No issues anticipated. Transfer is to make a correction to ownership and reflect the actual use.
- Beneficial Use/Conservation of Water Resources:
Proposed use is recognized as a beneficial use of water.

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.