

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION       )  
FOR TRANSFER NO. 71369 IN THE       )  
NAME OF MICHAEL T. AND TIA        )  
LLOYD                                        )

**PRELIMINARY ORDER REJECTING  
APPLICATION FOR TRANSFER**

This matter having come before the Department of Water Resources (Department) as a result of an application to transfer a water right, the Department finds, concludes, and orders as follows:

**FINDINGS OF FACT**

1. On July 23, 2003, Joe Sliman applied to the Department for authorization to change the point of diversion, for a portion of water right 37-7395 in the amount of 0.025 cubic feet per second of water diverted from ground water in Camas County. The transfer application, designated no. 71369 (application) by the Department, proposes to split off 2 acres of irrigation from the water right based on ownership and change the point of diversion to the split parcel for irrigation purposes. The 2-acre place of use is located in Township 2 South, Range 17E, Section 2, SW1/4, SE1/4, B.M.

2. Idaho Code §42-222 says, in pertinent part:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-202B, Idaho Code, the change will not adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates, and the new use is a beneficial use, which in the case of a municipal provider shall be satisfied if the water right is necessary to serve reasonably anticipated future needs as provided in this chapter. The director may consider consumptive use, as defined in section 42-202B, Idaho Code, as a factor in determining whether a proposed change would constitute an enlargement in use of the original water right.

3. Ownership documentation was acquired for the parcel by Department staff during initial review of the transfer application. The documentation consists of a warranty deed conveying land, described as Lot 1 Block 1 Magic Ranch Subdivision, and appurtenances from Joe Sliman to Michael T. and Tia Lloyd.

4. Water right 37-7395 was split into parts, recognizing the portion owned by Michael T. and Tia Lloyd as water right 37-20565 for 0.03 cfs and irrigation of 2 acres.

5. Department staff attempted to reach Lloyds on several occasions without response.

6. On March 9, 2006, the Department sent a letter to Joe Sliman and Michael Lloyd requesting information to clarify ownership of the application and to correct a legal description on the application. In the letter, the Department indicated that if the requested information was not submitted within 30 days, the Department would reject the application.

7. On March 10, 2006, the Joe Sliman assigned the application to Michael and Tia Lloyd (applicants).

8. On March 13, 2006, the Department mailed a copy of the March 9, 2006 letter to the applicants at an alternate address. The Department has not received a response from the applicant.

### **CONCLUSIONS OF LAW**

1. Idaho Code §42-248(4) says, in pertinent part:

(1) All persons owning or claiming ownership of a right to use the water of this state, whether the right is represented by decree of the court, by claim to a water right filed with the department of water resources or by permit or license issued by the director of the department of water resources, shall provide notice to the department of water resources of any change in ownership of any part of the water right or of any change in the owner's mailing address, either of which occurs after June 30, 2000.

(4) ...The filing of an application to change a water right under the provisions of section 42-211 or section 42-222, Idaho Code, showing a change in address of the owner of the right, and accompanied by evidence documenting any change in ownership of the water right, shall be deemed compliance with this section.

2. Based on documentation available to the Department, the application and water right 37-20565 is owned by Michael T. and Tia Lloyd.

3. Without the additional information requested from the applicant, the Department cannot ascertain their continued interest in the application, and that the change in water use proposed in the application will satisfy the requirements of Idaho Code §42-222.

4. The Department should reject transfer application no. 71369.

**ORDER**

IT IS HEREBY ORDERED that transfer application no. 71369 in the name of Michael T. and Tia Lloyd is **REJECTED** without prejudice.

Dated this 8<sup>th</sup> day of May, 2006.

  
GARY SPACKMAN  
Chief, Water Allocation Bureau