

MEMORANDUM

Date: May 04, 2006
To: Transfer 71369
From: ameritt *Am*
Re: recommend to reject

This application proposes to split off a portion of licensed groundwater right 37-7395 currently used to irrigate 810 acres. The purpose was to use a well on the split off property to irrigate the portion of the original right split off. This transfer is one of many that deal with splitting up of right 37-7395. This particular transfer was originally filed by Joe Sliman. Included with the original application was a draft deed to Michael and Tia Lloyd. This raised the question of ownership of the land. Our office obtained the final deed from Camas County. After several communications the application was assigned to Michael Lloyd by Joe Sliman. Since the application has a error in the legal description of the proposed well site attempts have been made to get the Lloyds to come into the office and amend the claim. Also to get a good address and phone number. Mr. Lloyd called in one time and indicated he would do something but since that time all letters, phone calls, etc have failed to get a reponse from the Lloyds. The last letter required that they respond within 30 days. It was noted in the Camas Courier newspaper that the property is currently involved in a Trustee sale. I recommend the transfer application be rejected for failure to respond to inquires of the department; however, the transfer should be utilized as an ownership change record for the portion of claim 37-7395 that was purchased and associated with the property being ...Lot 1, Block 1 of Magic Ranch Subdivision No. 1, Camas County.

Validity of the right involved:

The right involved is based on a license and has been claimed in the SRBA. The field exam for licensing was done in 1979 and the license issued in 1980. The SRBA claim for the right was filed in 1988 and since then the right has been protected from forfeiture. Review of the imagery available to IDWR (1986 through 2004) reveals that use on the farm over the years has been sporadic and in particular in the SWSE S2, T2S, R17E where the LLOYD property is located. Currently there is not clear and convincing evidence that partial forfeiture has occurred. Use from 1979 to 1988 is not clear. There is clear evidence of use during the period after 1988. The portion of right 37-7395 associated with the Lloyd property appear to have been irrigated and no issue of forfeiture at this time.

Injury to Other Water Rights:

None apparent.

Enlargement of Use:

Does not appear to be enlargement of use.

Local Public Interest:

It would be in the local public interest.

Beneficial Use/Conservation of Water Resources:

Appears to provide beneficial use consistent with normal application practices.

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 other than the application needs to be amended to correctly identify existing well location.

Other issue: Failure of applicant to respond timely is cause to reject application.