
MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NO. 63-4949
FROM: VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: APPLICATION FOR TRANSFER OF STATUTORY CLAIM
DATE: 2/4/2005
CC: DAN NELSON

Dan has been processing an application for transfer of a claim that has not yet been reviewed in the SRBA. The statutory claim was for domestic and irrigation but the SRBA claim, filed in 1989, was for irrigation of 3 acres, 0.09 cfs, groundwater, at an LDS church. The SRBA claim is for pou located in Basin 63 Part 3 and is not scheduled to be reviewed and recommended to the SRBA Court until later in 2005. Dan asked me to review the file and let him know if it was a valid claim and if/how we would recommend it in the SRBA so he would know how to process the application for transfer.

The well was located under the LDS church which burned down. After the church burned, the well was capped - in 1995. I told Dan that, even though the well has not been used for 9 years, we would not find forfeiture because the finding of forfeiture has been tolled by the commencement of the SRBA and the standard for abandonment has not been met. Therefore, we would recommend the right as used in 1987, 3 acres of irrigation, 0.09 cfs.

Because it is a statutory [beneficial use] claim, evidence of priority is required for the 1954 priority date. Dan obtained a statement from the well driller who drilled the well in the 1950s which is sufficient proof of priority.

VLM