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REVIEW OF WATER RIGHT 57-7593 by Kay Walker on April 1, 2004

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This report is a review of water right 57-7593 that was assigned to Eagle View Estates Homeowners Assn. #3 on May 13, 1999. I pulled this file to see if all was in order after finding other permits for Eagle View Estates Assn. were not data-entered as they needed to be after being split by assignments. This error in data entry included omission of the proof due dates on portions of Rt. 57-07597 which had been split into 57-11610, 57-11611 and 57-11612.

A full blown review of Permit 57-7593 identified issues that need to be corrected before portions of this permit are lost due to error by IDWR when splits occurred. Below is a summary of what I found during my review.

Right 57-7593

Permit was issued on December 12, 1994, to Lindner's & Hightower's for the use of a well for the irrigation of 30 acres and domestic use for 6 homes. The permit was issued with a proof due date of 12/1/1999.

On May 13, 1999, IDWR received an assignment of this permit changing the entire permit to Eagle View Estates Homeowners Association #3.

On August 13, 1999, IDWR received another assignment; this form split the permit into 57-7593A (Eagle View #3) and 57-7593B (Charles & Vicky Hightower). The assignment split one lot and 5 acres of the irrigation to the Hightower's and left the remainder of the permit in the name of Eagle View #3.

On September 30, 1999, proof due notices were sent out on Permits 57-7593A (Eagle View #3) and 57-7593B (Hightower). This seems to be when the confusion in this file began.

Right 57-7593A

On December 2, 1999, IDWR received a request for extension of time from Eagle View #3. This request did not identify the "A" suffix and when acknowledgement was sent out the letter only addressed the whole number. The request was 1 day late so the priority was advanced in extension approval, allowing until December 1, 2003, to submit proof. We must assume that the extension request was processed for the "A" portion of the permit.

Right 57-7593B

On December 1, 1999, IDWR received a request for extension of time for "B" only. This extension was approved and proof of beneficial use due on December 1, 2001. On September 1, 2001, proof due notice was sent out. IDWR received proof of beneficial use on November 30, 2001, for 1 home – no irrigation use proved up on. Proof acknowledged for part "B".

On February 27, 2004, IDWR received an assignment of 57-7593B to James &/or Carol Fletcher.

This part of the permit appears to be in good standing in our records.

Right 57-7593C

On September 30, 2003, proof due notice was sent out to Eagle View #3, which was now identified as part "C". This is because an assignment for 5 acres and 1 lot came in on January 14, 2000, which split part "A" into C & D. In my opinion the "C" part was for the remaining Eagle View #3 lots.

On August 22, 2003, IDWR received an assignment of 5 acres of irrigation to Jill Morris. Right 57-7593C should have been split at this time, creating parts E & F; however, it appears that the assignment to Jill Morris was processed as entire part C going to her. This assignment had not been data entered and this error caused the remaining lots in Eagle View #3 to not be covered under any water right. Therefore, I believe we should correct the error and split "C" between Eagle View #3 and Jill Morris.

Additional problems are associated with the error made concerning the assignment to Jill Morris. The assignment was never data entered and there was no record of Jill's ownership. Jill submitted proof of beneficial use on November 18, 2003 for her portion of this permit. A proof made date was inserted into the records for Part "C" which is not correct. The proof form states: "1. Permit No. Portion of 57-7593C", however the data-base shows proof was made on Permit 57-7593C.

Right 57-7593D

On January 14, 2000, assignment was received to change 5 acres and 1 home to Ron & Sandy Kitchell. A proof due notice was sent to the Kitchells on September 30, 2003. The notice was returned to IDWR as unclaimed so part "D" of this permit should be considered lapsed, however, a lapse notice has not been sent out on this portion of the permit as of this date.

Conclusions

1. We need to split Right 57-7593C into 2 parts. One part would be for remaining Eagle View #3 lots and the other part would be for Jill Morris.
2. Lapse notice needs to be sent out on 57-7593D.
3. Lapse notice needs to be sent out on remaining Eagle View #3.
4. We will need to wait 60 days **after** the lapse notices are sent before any field examinations are done on the parts that proof was submitted on.

Recommendation

I recommend we split part C into 57-11660 (Eagle View) & 57-11661 (Morris) so we can accurately show we have complied with our own policies regarding these permits.

I have created the splits and routed the file for further processing of the proofs of beneficial use and lapsing of remaining portions.