

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 5/13/2004

**RE: CHRIS DOYLE TRANSFER FOR GARY & ANGELA WEBER AND
CHRIS DOYLE TRANSFER FOR LARREN & TIFFANY WEBER
TRANSFER NO. 71238 , RIGHT 63-31213**

Chris Doyle has proposed two transfers on water right 63-31213. The first transfer proposes to retire 4 acres of ground in the SESE S6 T5N R2W and move the appurtenant groundwater to a new well and 4 acres owned by Gary and Angela Weber in the SWNW S12 T5N R3W, Canyon County. The second transfer proposes to retire 8 acres of ground in the SESE S6 T5N R2W and move the appurtenant groundwater to an existing well and 8 acres owned by Larren and Tiffany Weber in the NENW S12 T5N R3W, Canyon County. Larren and Tiffany Weber will need pay a well upgrade fee to allow their existing domestic well to irrigate the 8 acres.

AUTHORITY TO FILE:

Both applicants supplied Quit Claim Deeds and Larren and Tiffany Weber also supplied a tax notice showing the ownership of the land where the water will be moved. Chris Doyle, who is listed as the owner of record, filed the transfer.

WATER RIGHT VALIDITY:

Several transfers have been filed on this water right over last few years. The review of those transfers all show this right as being a valid water right.

INJURY TO OTHER WATER RIGHTS:

The water rights are not being moved a great distance from the lands being retired. No injury is anticipated from this transfer proposal.

ENLARGEMENT OF USE:

This water right has always been a primary water right. The applicant's have both stated that they have no access to canal water or other water rights. The aerial photos do suggest that Gary and Tiffany Weber's property may have been irrigated at one time by canal water, but they have stated that they have no rights to the canal.

LOCAL PUBLIC INTEREST:

There is nothing to suggest that this application is not within the local public interest.

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BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

Applicant proposed beneficial use consistent with irrigation standards for the area.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of the application.

NARRATIVE

This water right is currently being divided into 24 parts for a subdivision. Twenty-four transfers have been filed on this water right. In order to process all these transfers at the same time, a pre-transfer split was done through our adjudication staff. These two transfers are being processed separately from the other 22, because they will actually be moved outside the proposed subdivision.

The only overlapping rights on the lands where the water will be moved are Black Canyon Irrigation District. Both parties have stated that they do not own any canal shares and do not have access to canal water. However, the proposed lands to be irrigated by Gary and Angela Weber do look to have been irrigated in the 2000 aerial photos. The Bureau of Reclamation may have cut these acres back as part of the SRBA recommendation resolutions, which happened after the 2000 aerial photo was taken.

The Weber's attorney, Darin J. Taylor, asked that all correspondence be sent through his office. He is representing both the Webers in the water right transaction. The attorney's name doesn't appear on the application, but he has supplied a business card with the file and personally asked that he be included in all correspondence.

CONDITIONS AND SUGGESTIONS

This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.

SCANNED

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