

MEMORANDUM

Date: April 29, 2022
To: Transfer 86092
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the place of use, point of diversion and update ownership for statutory claim 13-4214. Water right file and transfer application include a lot of information about the history of water right 13-4214. Richard Emerson owns the current place of use for the right. Jeremiah Hull owns the proposed place of use. For ease of reference, this memo will simply refer to the Emerson property (current POU) and the Hull property (proposed POU).

Authority to File:

The applicant, Jeremiah Hull, provided documents confirming ownership for the Hull property and the Emerson property. I was able to speak to Jeremiah Hull and Richard Emerson over the phone together. They mentioned that the intent of this transfer is to move water right 13-4214 from the Emerson property to the Hull property. Richard Emerson signed the application giving authority to the applicant to make the change.

Water Right Validity:

Water right 13-4214 (statutory claim) was filed in 1983 by Steven B. Hull. The domestic use under the right has occurred since 1950 when the original owners lived in a trailer during the construction of their home. The construction of the home ended in 1953. The spring developed in 1953 (Original Spring) is no longer used. The house on the Emerson property was connected to a different spring (Ranch Spring) in December 1969. Application 86092 proposes to change the point of diversion from the Original Spring to the Ranch Spring. Section 42-222, Idaho Code, does not allow for a change in source. Therefore, the priority date for the water right must be advanced to December 31, 1969, the date when the Ranch Spring was first connected to the home on the Emerson property.

Injury to Other Water Rights:

Other rights do not appear to be injured by the proposed change. The place of use is simply being moved to a nearby parcel. The proposed point of diversion is a spring to sinks and has been diverted for domestic use since 1969. The water master was notified and did not provide a comment. The transfer was advertised and did not receive protests.

Enlargement of Use:

I spoke with the applicant regarding the history of this claim during a field examination. The applicant stated that the Original Spring went dry around 1969, at that time the home on the Emerson property was connected to the Ranch Spring. The Ranch Spring was connected to both the Emerson property and the Hull property. From 1969 to 2005 the Hull property was tied to both springs and was supplied water from whichever spring had better water pressure.

The original claim holder was at one time the owner of both the Emerson and Hull properties. Steven Hull and his ex-wife were divorced in 2003. As a result of the divorce, Steven Hull moved to the Hull property and his ex-wife, Cynthia held the Emerson property. She later sold the property to Richard Emerson. In 2005, the Ranch Spring was disconnected from the Emerson property and has been used exclusively at the Hull property.

Cynthia filed obtained a domestic right (13-7666) from the Original Spring in 2005 and constructed a domestic well on the property in 2007. The Emerson property is covered by water right 13-7666 and the domestic well.

The proposed change does not appear to result in enlargement because rate will not increase as a result of this transfer. Unstacking does not appear to be an issue because water right 13-4214 was moved to the Ranch Spring and the Hull property in 2005, around the same time Cynthia applied for water right 13-7666.

Local Public interest:
No issues identified.

Beneficial Use/Conservation of Water Resources:
No issues identified.

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.