ADMINISTRATOR'S MEMORANDUM

To: Department Staff

From: Norman C. Young NCY

Transfer Processing No. 13

RE: TRANSFERS OF WATER RIGHT - CONFIRMATION OF CHANGE

Date: October 9, 1990

Department records contain some discrepancies associated with water rights for which a transfer has been approved but for which the actual change authorized by the transfer has not actually been made.

To eliminate some of the uncertainties associated with transfers which are not effectuated, in recent years, the department has conditioned transfer approvals with the following language:

> "The use of water on lands to which the above referenced water right(s) were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water right(s)".

While the above referenced condition was intended to prevent use of water on the land from which a right was transferred and suggests an ultimate disposition of the water right if the approved change is not made, the department has not had occasion to enforce the condition. A period of five (5) years or longer generally passes before the department usually determines an authorized change did not occur.

To improve the reliability of water right records, the department will condition future transfers with the following language:

> "The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval."
>
> and
>
> "Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded."

The mechanics to determine whether the conditions of approval have been met will involve establishing a system where the department notifies the water right holder (owner) approximately a year after a transfer is approved that the owner needs to submit evidence to show that the authorized change has occurred. If the owner does not respond to the department or the department has reason to question the information submitted, the department will schedule and conduct a field examination.