

MEMORANDUM

TO: Transfer Application No. 81190 File
FROM: Cody Parker
RE: Clarification of Intent and Petition for Reconsideration
DATE: December 12, 2017

The proposal description included in application for transfer no 81190 mentions that the applicant "...seeks a permissible place of use to more efficiently use the available water supply on the property." The "change point of diversion" box is not checked under the Purpose of Transfer section of the application. However, in Item B.5(a) of the application, the applicants state

"Existing diversions...no changes proposed but all natural flow rights can divert from any point of diversion in Gem County and all storage can be rediverted from any point of diversion in Gem County"

This last statement seems to contemplate a change in the points of diversion. During processing, I spoke with Dave Shaw, representative for the applicant, who stated that no change to points of diversion were proposed. However, I misunderstood this to mean that the individual rights would list their original points of diversion upon approval of the transfer. The applicant actually did intend for all three PODs in Gem County to be listed on all natural flow rights and to be listed as points of rediversion on all storage rights. The applicants clarified their intention in the petition for reconsideration submitted on December 5, 2017.

These three points of diversion should be listed on all of the rights included in the transfer. They should be added in response to the petition for reconsideration. Adding the three points of diversion does not move any of the rights relative to neighboring diversions and thus should not affect or cause injury to any existing rights. Furthermore, the proposed POD changes do not appear to change the effect on the source or any other hydraulically-connected sources. Therefore, the application does not necessarily need to be re-advertised prior to making the changes.