

MEMORANDUM

Date: September 5, 2017
To: Transfer 81886
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the points of diversion and change the place of use for water right 35-7457. This application was filed in response to an unauthorized water use letter (E2017-1225) sent in August, 2016. The applicant seeks to rearrange the place of use to cover land being irrigated outside the current place of use boundary described under water right 35-7457. The applicant also seeks to correct a point of diversion legal description discrepancy created during the SRBA. According to the water right license for water right 35-7457, the two points of diversion are located in the NESE and NESW of Section 36, T07S, R29E. The partial decree report described the points of diversion in the SWNESE and SWNESW of Section 36, T07S, R29E which is in error. This transfer will correct the points of diversion to coincide with the legal descriptions from the original license. The physical location of the points of diversion are not changing.

Authority to File:

The applicant is the current owner of the water right per IDWR record and owner of the property at the proposed place of use per Power County taxlot data (updated 3/3/2017). Russell Wynn who is the current water right owner signed the application.

Water Right Validity:

This water right was decreed in 2002. Aerial photography shows the land consistently irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and regulated by WD 120. The physical location of the points of diversion are not changing. This transfer will be processed with no advertisement. The watermaster does not oppose the application.

Enlargement of Use:

No issues identified.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

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.

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Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.
