

MEMORANDUM

Date: August 2, 2016
To: Transfer 80966
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion for water right 73-172, identifying the POD in the NWNW of Section 20, the BGC-% Ditch, where the water right has been diverted for 30 years. Aerial photos and topo maps show there is no physical connection between the existing POD and POU, confirming the error. The SRBA decree failed to incorporate a transfer approved in 1985, moving the point of diversion to the NWNW of Section 20.

Authority to File:

The applicant is the current water right owner according IDWR records. The other water right owner, Catherine Mickelsen, also signed the application. Custer county taxlot records show that the applicant is the property owner of the current place of use.

Water Right Validity:

Water right 73-172 was decreed in the SRBA in 2010. Review of aerial photography from 2011 and 2015, shows growing vegetation on the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Since the point of diversion is simply being updated to the actual historical location, and no actual change is occurring, other water rights will not be injured by the change. Application was advertised and was not protested. Watermaster for WD73 was notified of the transfer and did not provide comment.

Enlargement of Use:

The proposed point of diversion change will not result in an enlargement because there will be no increase to the diversion rate, volume or irrigated acreage. The legal description is being updated to match historical point diversion location.

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.