

MEMORANDUM

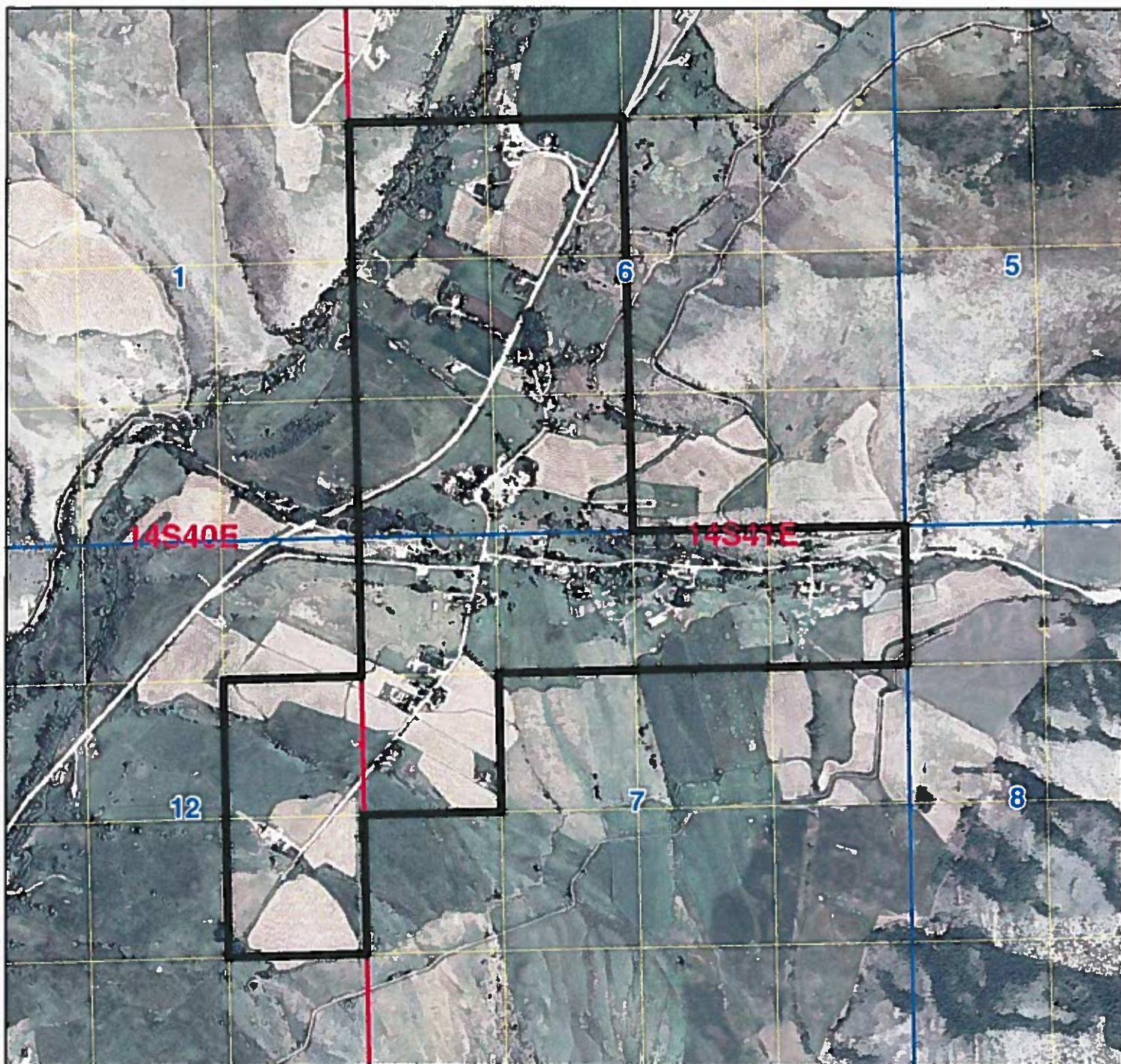
Date: August 25, 2015
To: File no. 13-7926
From: Michael Holliday
Re: Place of use correction

On December 23, 2014, Birch Creek Culinary Water Company filed Transfer 79676. The purpose of the transfer was to change the place of use, period of use, and nature of use of a portion of water right 13-911. On January 14, 2015 the transfer application was amended, partially to correct some clerical errors in the legal description of the place of use. However, the corrected legal description did not get carried through to the transfer approval.

The transfer applicant is a corporation which meets the definition of a municipal provider as described in Idaho Code 42-202B(5)(c). According to multiple programs memo #1, the place of use for a municipal provider is a generally described service area derived from a spatial boundary, and the service area can be changed by simply submitting a new service area. An accurate map of the service area was submitted with the transfer application. The clerical errors in the land list are clear because the service area shown on the map does not comport with the land list shown on the transfer approval.

Since the clear intent of the company was to change the place of use to reflect the service area illustrated on the map, and since the place of use can be changed by submitting a new service area, today I am updating the land list of water right 13-7926 based on the map included with the application. A map of the service area is attached to this memo.

State of Idaho
Department of Water Resources
Birch Creek Culinary Water Co. Service Area
Date: 8/25/2015



Legend

-  Service Area
-  Township/Range
-  Sections
- QQ

Map prepared by Michael Holliday