

MEMORANDUM

Date: July 31, 2015
To: Transfer 80294
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for domestic water rights 27-10273 and 27-10274. The applicants seek to fix a point of diversion and place of use legal description error that occurred when claims for these rights were filed during the Snake River Basin Adjudication. The point of diversion and place of use have always been located in the SENE of Section 2, T03S, R35E.

Grant and Marcia Christensen who were the original owners of these domestic water rights never owned property at the point of diversion and place of use currently described under the water rights. There are no homes constructed in the SESE of Section 2, T03S, R35E. The physical address that the Department has on file matches the actual physical location for the proposed point of diversion and place of use. The applicants also seek to update the ownership records for these rights into their names.

Water right 27-10275 is also diverted through the same point of diversion and provides water to another home once owned by Grant and Marcia Christensen (the original right holders). An application for transfer and ownership change have been filed to update Department records for water right 27-10275.

The use of water under rights 27-10273 and 27-10274 is for two separate homes under the same property ownership (applicants property).

Authority to File:

The applicants are the current owners of water rights 27-10273 and 27-10274 per quit claim deeds. The ownership for these rights will be updated into the applicant's name.

Water Right Validity:

Decreed in 1999. Existing well is still in use and provides water to the applicant's two homes. Forfeiture is not an issue.

Injury to Other Water Rights:

This water right is inside the ESPA and within WD 120 boundary. The physical location of the point of diversion and place of use for these rights are not changing. The water master did not provide comment. No injury issues identified. This transfer will be processed with no advertisement.

Enlargement of Use:

No issues identified.

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.

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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.