

MEMORANDUM

Date: October 29, 2013

To: Transfer 78874

From: Scott Bergendorf

Re: Comment/Analysis

This transfer proposes to change the place of use and point of diversion for the water right 13-2141. The place of use was not listed on the original water right license (originally issued in 1941), and was mistakenly assumed to be at the same location as the POD. The POD was mistakenly located in the NWSW 1/4. Lisa Hubbard's son was able to identify the exact location of the spring and provide coordinates which placed it just to the north of the licensed POD location in the SWNW 1/4. The advertising, proof of beneficial use, and licensing exam all show that the Place of Use was originally on the land owned by Charles Burke who was the right holder at the time of licensing. This transfer will move the water right POU to the property that was owned by Charles Burke, but is now owned by Lisa Hubbard. Hubbard has been using water from the spring for the entire time she has owned the property. See the ownership change completed in October 2013 for more information about the property originally owned by Charles Burke.

Authority to File:

The applicant is the current owner of water right per IDWR record and owner of proposed place of use per Caribou County tax lot information from 2012.

Water Right Validity:

Water Right was licensed in 1941. Forfeiture is not an issue.

Injury to other Water Rights:

Water right has historically been used at the proposed transfer location. Spring is tributary to unnamed stream. Injury to other users will not be an issue. Water Master of WD 11 had no comment on the transfer.

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.