

MEMORANDUM

Date: February 14, 2013

To: Transfer
78377

From: Kerrie Mathews

Re: Transfer Evaluation

Transfer No. 78377 proposes to correct the point of diversion for water right 75-10693 and update the ownership for the right. The transfer corrects an error from the adjudication. The partial decree for right 75-10693 lists the source as Spring Creek. However, the point of diversion designated on the right was at a location down the Spring Creek ditch. This transfer designates the headgate off of Spring Creek as the correct point of diversion. The initial transfer application listed the old POD and the new POD. An amendment removed the old POD because it represents the same water at a location downstream on the ditch.

The property at the point of diversion is owned by the University of Idaho. Water right 75-10693 has always been diverted through the headgate. The University of Idaho and the water right holder share the maintenance costs for the headgate and the ditch.

Authority to file:

The water right is currently in the name of James Harvat and Ronald J Wehrli. The transfer applicant supplied a recorded warranty deed establishing ownership of the water right place of use. The water right should list James Harvat and Larry and Cynthia Harvat as the current owners. Larry and Cynthia Harvat provided a written consent to file the transfer application.

Validity of the Water Right:

Water right no. 75-10693 was decreed on November 17, 2008. Aerial photography shows consistent irrigation and forfeiture in not an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. The application was advertised and no protests were received.

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 not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.