

MEMORANDUM

Date: October 15, 2012
To: File 29-7291
From: Pam Skaggs 
Re: Reprocess Transfer 69458

Transfer 69458 was approved on 02-04-2002 adding a second point of diversion to Right 29-7291. There was some confusion on the application regarding the correct legal description of the added well. The Department and the applicant agree that the application should be reprocessed to correct the legal description of the well to the actual, current physical location as originally intended. The added point of diversion is located in a different section than originally described, so the application will be re-advertised to provide required public notice.

Authority to File: Applicant is the right holder of record and the request to reprocess was signed by Vance E. Ward, President of Ward and Sons Co. Inc. Current IDSOS records confirm the applicant is in good standing and Mr. Ward is also the registered agent of the company. Randall C. Budge of Racine Olson Nye Budge & Bailey Chartered is the applicant's attorney for this matter.

Water Right Validity: Snake River Basin Adjudication partial decree was issued in 2004 and recent irrigation was confirmed per Water Distribution staff investigation.

Injury to Other Water Rights: The proposed change has already occurred and this transfer only corrects the legal description of one well. No new impacts should occur through reprocessing the application.

Enlargement of Use: The elements of the right will not be changed other than the legal description for the added well.

Local Public Interest: It's in the public interest to accurately reflect the diversion of water under existing water rights.

Beneficial Use/Conservation of Water Resources: Existing beneficial use is consistent with conservation of water resources in Idaho and will not be changed.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing reprocessing of the application.

Right 29-7291 has been partially decreed in the Snake River Basin Adjudication since the transfer was originally processed. It is not practical to use the workflow application that includes the adjudication record to update the water right record, so changes will be made through Ad Hoc Data Entry to reflect final action related to the reprocessing of this application.