

MEMORANDUM

TO: Transfer No. 78224
FROM: Sharla
DATE: November 5, 2012
RE: Evaluation of Application

The transfer proposes to correct the legal descriptions of the point of diversion and place of use as resurveyed in 2009. The site is approximately 1/3 of a mile southwest of Tie Creek Campground on the opposite side of the Middle Fork Payette River.

Deviations from Transfer Policy Standards

Because this transfer application proposes only to correct the point of diversion and place of use, this transfer will not be advertised.

Summary of Information Submitted

Authority to File: Applicant has supplied ownership change documentation to prove they are entitled to make this filing to correct the department's records.

Water Right Validity: Rights presumed to be valid based on aerial photography which clearly shows a home and associated property; fire protection only used in case of a fire so would not expect to be able to confirm that beneficial use unless a fire had recently occurred, however, the property is adjacent to the river and the applicant had indicated on the map where the pump is located.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement is proposed. The only parameter being changed by the transfer is the legal description of point of diversion and place of use.

Local Public Interest: Water available to fight a fire is certainly considered to be within the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Data entry affected the correct records. Partial decree was previously migrated to water right records.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.