

MEMORANDUM

Date: August 10, 2012
To: Transfer 78072
From: kmathews
Re: Transfer Evaluation

Transfer No. 78072 for water right 25-13424 proposes to: correct the place of use for a domestic water right and change the ownership. Right 25-13424 was decreed in April of 1999 listing the place of use as T05S R43E Sec 21 in the NENE quarter. However, the correct place of use is T05S R43E Sec 23 in the NENE quarter. The original claim received on January 23, 1990 included a map clearly depicting the place of use of this right as directly south of the POD in Sec 23 (Copy in Microfiche).

Authority to file:

Water right 25-13424 is currently in the name of Roy O Stoor and Ruth O Stoor. The applicant submitted a Personal Representative Deed showing the estate of Roy and Ruth Stoor was granted to The Stoor Family LLC of which Bruce Stoor has signatory authority.

The corrected place of use for this right is located on property owned by the Stoor Family LLC. The existing place of use is not in the name of the Stoor family, however based on the map evidence located in the original claim this right has always been used within Sec 21 on the Stoor family property.

The Point of Diversion is located on property owned by EEE & O LLC. This point of diversion has always been located on this property; a historical easement is in place.

Validity of the Water Right:

Water right 25-13424 was decreed in April of 1999. Forfeiture does not appear to be an issue since that time.

Injury to Other Water Rights:

This application was not advertised. No active watermaster exists within this area, no comments were requested. No injury to other water rights was identified.

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.