

MEMORANDUM

Date: October 13, 2011
To: File
From: Nick Van Dyke
Re: Analysis of Transfer 77377, Water Right 72-7501

Narrative: This transfer was filed to correct the recorded place of use and point of diversion for water right 72-7501, a small irrigation right for 0.5 acres diverted from Thompson Creek, tributary to the Salmon River near Clayton. There will be no actual change to the water right; the transfer is only a records correction. Currently the right is erroneously recorded on BLM and Forest Service ground. Both the BLM and Forest Service have provided consent letters.

Proposed condition number 2 of the transfer approval is a modified version of a standard lockable controlling works condition. See the letter dated 9/14/2011 to the watermaster of district 72D in the file for more explanation on the reason for using the modified condition. Furthermore see *Preliminary Order Modifying Lockable Device Requirement* dated 7/12/2010 in water right file 75-14607.

Authority to File: Currently 72-7501 is in the name of John and Patricia Hutchison. Della Brower, the applicant, provided a warranty deed showing conveyance of ownership from the Hutchinsons with the transfer application. The application was submitted before 7/1/2011; the additional fee for a change of ownership within a transfer application is not required.

Water Right Validity: 72-7501 was licensed 2/19/1997. 2009 aerial imagery shows irrigation on the property; no evidence of forfeiture.

Injury to Other Water Rights: No injury anticipated. There is no physical change to the system proposed.

Enlargement of Use: No enlargement concerns.

Local Public Interest: No issues identified. Application was not advertised due to being only a records correction. Both watermasters of districts 72D and 170 were notified of the transfer, no comment was received.

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 application.