

MEMORANDUM

Date: September 28, 2011
To: Transfer 77548 File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes to correct the point of diversion and place of use legal descriptions of water right 36-12771 that were originally claimed in the wrong tract. Transfer also proposes changing the point of diversion, adding an existing well as a new point of diversion and a change of ownership. The two existing wells will divert the 0.07 cfs for domestic and stockwater uses associated with a farm located 1.2 mi. north and 1.5 mi. east of the junction of Interstate 84 and HWY 24. The place of use and points of diversion are physically located within Water District 130 but rights of this nature (D&S) are specifically excluded from the water district. Watermaster requests "do not flag or comment". (Cindy Yenter 9-29-2011)

During overlap analysis domestic right 36-11418 in the name of Mary McAlister was discovered. Applicant claims this property is to the south of his property so it appears that this right probably should not have been decreed for this particular tract, and more than likely is not an actual physical overlap.

Recommended no advertise. The change is for movement or addition of a well within the ESPA that does not require mitigation analysis and is within the place of use of the right.

- **Authority to File:**
The applicant has submitted a quitclaim deed showing proof of ownership of lands and all appurtenances and stated they never owned the property in which the water right was originally decreed.
- **Water Right Validity:**
Water right 36-12771 was decreed in the SRBA on 12/10/1996. Aerial photography shows a home associated with the property.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. Transfer is to make a correction of original claim, change the ownership and reflect the actual use.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.