

MEMORANDUM

Date: April 8, 2011
To: File
From: Nick Van Dyke
Re: Review Memo; Transfer 76984; Water Right No. 98-7770

Narrative: Transfer 76984 proposes to change the point of diversion from the SWNE of Section 17 Township 64N Range 1E to the SESE of Section 8 Township 64N Range 1E for 98-7770. The well in Section 17 is no longer used. No other changes proposed. The new well was drilled in July of 2010. Applicant is Mission Creek Water Association, Inc (Mission Creek).

There were two questions with the transfer application; the GPS coordinates on the driller's report for the new well did not match the ¼¼ description on the application, and a section of the service area for Mission Creek was omitted on the application map. Both questions have been resolved, see January 27 2011 memo in file.

Authority to File: H.C. Studer, a registered agent for Mission Creek, signed the application. Anne Widener, secretary for Mission Creek, is listed as a representative.

Water Right Validity: A license was issued for 98-7770 in December of 2004. There is no evidence to suggest this right is not currently being diverted. The expense of drilling a new well lends to the conclusion Mission Creek is diverting water under this right.

Injury to Other Water Rights: None anticipated. The new well is only about a quarter mile from the point of diversion to be no longer used. The application was advertised and no protests were received.

Enlargement of Use: None anticipated. Diversion amount and beneficial use remains the same.

Local Public Interest: None identified.

Beneficial Use/Conservation of Water Resources: The proposed water uses are recognized as beneficial uses 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.