

MEMORANDUM

TO: Transfer No. 77013

FROM: Sharla Curtis

DATE: January 25, 2011

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to correct the legal description of the point of diversion from what was decreed in the SRBA to the point where water has historically been diverted under this right for the uses indicated. The site is land adjacent to an approximately 2.5 mile stretch of Sturgill Creek beginning at a point less than ½ mile from its confluence with the Snake River.

Deviations from Transfer Policy Standards

Because this is a records correction only, the transfer will not be advertised.

Summary of Information Submitted

Authority to File: Property described by water right has been sold and a copy of the Special Warranty Deed from the right holder of record to Idaho Power Co. has been included with the transfer application.

Water Right Validity: Right presumed to be valid because the partial decree was issued within the past five year period on 11/16/2006.

Injury to Other Water Rights: None is anticipated. The transfer only corrects the legal description of the point of diversion and the only other right diverted within the same 40 acre tract is a Forest Service instream stockwater right. A letter has been sent to the Forest Service notifying them of the application and their right to protest. The letter also requests written confirmation of authorized access to the public land for use of the diversion.

Enlargement of Use: No enlargement of the right will occur with this transfer application; the diversion rate, volume and number of acres remain the same.

Local Public Interest: Agricultural use of water is heavily favored within the state and there is nothing in the record on file that indicates any issues raised in the matter of local public interest.

Beneficial Use/Conservation of Water Resources:

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

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

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.