

MEMORANDUM

Date: December 21, 2010
To: Transfer 76437
From: dkidman
Re: Transfer Approval

This transfer proposes to change the POD, POU and change ownership of water right 11-316. This water right was decreed with the PODs located in T11S R43E Sec 20 SWNE, one from Dairy Canyon Creek and one from Co-op Creek. The POU was listed in T11S R43E Sec 17 NESE and SESE totaling 55 acres. This water right has been historically diverted from T11S R43E Sec 20 SWSNW (N 42 27.152 W 111 27.506) and used in T11S R43E Sec 17 SE quarter.

Authority to File:

The applicant is the current owner of the land for which 11-316 was decreed. Warranty deeds were provided as proof of ownership. The tax lot information for Bear Lake County confirms ownership.

Water Right Validity:

Water right 11-316 was decreed in the Deitrich Decree to David Chugg. The applicant has supplied a trail of deeds from David Chugg to Bartschi Land LLLP. Viewing 2004, 2006 and 2009 aerial photography, forfeiture does not look to be an issue.

Injury to Other Water Rights:

The application is only altering the POD and POU to what has been historically used. Water right 11-4326, for stock water, has a POD upstream from the proposed POD for 11-316 which would not impact 11-4326. The Department requested Watermaster comments from Water District 11 concerning this transfer but didn't receive a comment. Transfer was advertised in the News Examiner in Montpelier which resulted in no protests.

Enlargement of Use

No apparent increase will result from this transfer.

Local Public Interest

No Negative impacts anticipated.

Beneficial Use/Conservation of Water Resources

No issue determined.

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