

MEMORANDUM

Date: December 02, 2010
To: Transfer 76817
From: dkidman
Re: Transfer Approval

The purpose of this transfer is to change the decreed POD from T08N R20E SEC 36 NESW (34-13565) and T08N R20E SEC 36 NWSE (34-2) to T08N R20E SEC 36 SWSE. Moving the POD farther upstream of Bady Creek will increase the water pressure of the gravity flow delivery system.

Authority to File

Applicant is the current owner of the water rights. The applicant is shown as owner of these water rights on the decrees issued in the SRBA. The county tax lot information confirms that the applicant is the owner for land for which these water rights are appurtenant.

Water Right Validity

Water right 34-2 was decreed in the SRBA on November 7, 2001 and water right 34-13565 was decreed on June 4, 2001. These water rights are not able to be delivered throughout the entire season of every year but water master reports show that they have been when possible. The water master report for 2003 to 2007 is included with this transfer. Forfeiture is not an issue.

Injury to Other Water Rights

The only other water right with a POD from Bady Creek is 34-11568 which is a stockwater right. The PODs are located in T07N R21E SEC 16 and T07N R20E SEC 1. The proposed change of PODs for 34-2 and 34-13565 would not injure water right 34-11568. The Department requested a water master report from Water District 34 which was returned unopposed. Transfer was advertised in the Challis Messenger in October 2010. The advertisement contained an error. It stated that the point of diversion was located in NESW Section 36. The proposed point of diversion is located in SWSE Section 36. It was determined that the error was not significant enough to warrant a re-advertisement because there are no other water users in that portion of Bady Creek.

Enlargement of Use

No apparent increase will result from this transfer.

Local Public

No negative Impacts anticipated.

Beneficial Use/Conservation of Water Resources

No issue identified.

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.

The application has been advertised in the Challis Messenger and no protests were filed.