

MEMORANDUM

Date: October 08, 2010
To: Transfer 76764
From: bjordan
Re: Transfer Evaluation

This transfer proposes to add points of diversion for water right 74-970B. The applicant is seeking to add two points of diversion adjacent to his place of use for the purpose of reducing pumping distance and benefit fish by leaving more water in the creek. The applicant will be using the two new points of diversion as the primary diversion points and will use existing points of diversion as backups. In review of the transfers, there appeared to be a discrepancy in the source listed on three of the existing points of diversion located in the NWNW and NENW of 17N 23E Section 14 and in the NENE of Section 15. The proof report lists the source of water for these points of diversion as Hayden Creek, even though Hayden Creek does not pass through the QQs described. The applicant explained in a phone conversation that the points of diversion in question are located in catchments that drain into Hayden Creek and could be used as diversion points. They should have likely been listed as "unnamed streams" tributary to Hayden Creek. At this time, the unnamed stream points of diversion are not able to divert water to the place of use, but potentially could in the future.

Authority to File:

The applicant is the current owner of water right per IDWR and Lemhi County taxlot data (updated 6/28/2010). New points of diversion are located on applicants property.

Validity:

Decreed in 2007. Forfeiture not an issue.

Injury to Other Water Rights:

Within WD 74. Transfer was advertised and there were no protests. Watermaster does not oppose transfer.

No injury issues identified.

Enlargement of Use:

No issues identified

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.