

MEMORANDUM

Date: September 28, 2010
To: Transfer 76839
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the point of diversion and accomplish an ownership change for water right 25-14299. The Quail Ridge Estates Subdivision and McDaniel Subdivision, Division No.1 was developed on land associated with water right 25-2151 and 25-7021. The applicant owns lot 6, block 1, within the Quail Ridge Estates Subdivision, which is appurtenant to a portion (1.5 acres) of water right 25-2151. The applicant is seeking to change the point of diversion to their property where they have an existing well and change the ownership to a portion (1.5 acres) of water right 25-2151.

This is one of several transfers and ownership changes that have been filed by Quail Ridge Estates Subdivision and McDaniel Subdivision lot owners to change the point of diversion and change the ownership for a portion of water right 25-2151. By the time this application for transfer was submitted, 25-14288 was the current active water right. Water right 25-14288 was pre-split into 25-14298 and 25-14299 prior to this transfer. Pre-splitting the water right prior to the transfer will allow for other transfer applications and ownership changes to be filed and processed with no hold ups. Applicant will be using an existing domestic well located on their property.

Applicants paid for a well upgrade.

Authority to File:

Applicant submitted a recorded warranty deed proving they own 1.5 acres of original right 25-2151. The warranty deed conveys lot 6, block 1, Quail Ridge Estates Subdivision into George Z. and Wendy M. McDaniel. However, George Z. McDaniel has been deceased since 2008 (death certificate). Applicant is the personal representative of the estate of George Z. McDaniel. The current owner of water right 25-14299 will be in the name of Wendy M. McDaniel.

Water Right Validity:

Right 25-2151 was decreed in September, 2005. Forfeiture is not an issue.

Injury to Other Water Rights:

This water right is neither within a water district nor groundwater district. The point of diversion change is moving west approximately .3 miles. The current and proposed points of diversion are within same ESPA model cell. No ESPA analysis required. There is no evidence of injury or change in water source. Will process as a non- advertised transfer.

Enlargement of Use:

There is no evidence of enlargement of use.

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.