

MEMORANDUM

Date: February 12, 2010
To: Transfer 76234
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the point of diversion, place of use, add a point(s) of diversion and change nature of use for water right 34-7113. Applicants propose to expand an existing pond, add a second pond and a lined flow channel between the two ponds. Other channels are existing. The ponds will be stocked with fish and used for commercial, wildlife, aesthetic and recreational uses. Commercial use will consist of pay-to-fish enterprise. This transfer was first filed to the department in October of 2007 where it was reviewed and found incomplete and could not be processed. There were questions and concerns raised about the water delivery system, future use of the water, the validity of a water right and the proposed mitigation plan (see letter to SPF requesting validity of water right, document dated 12/06/2007).

In June, 2008 SPF submitted an amended application for transfer with changes made at the request of IDWR staff. In review of the amended transfer it was determined by Ernie Carlsen and the State Office that mitigation would not be required for the nature of use change since it was covered by the issuance of water right 34-7113 (Fish Propagation).

Since Ernie Carlsen and the State Office agreed that we could process this transfer without any mitigation requirements, the application for transfer was amended again. A draft of the final amended application for transfer was sent to SPF for approval. SPF and their clients agreed to the final amendment (see email letter). The final amended transfer proposes to change the point of diversion, place of use, add a point(s) of diversion and change nature of use for water right 34-7113. The Partial Decree and IDWR proof report for water right 34-7113 only shows one point of diversion. In review of the approved application for permit and the field report for the licensing examination, there were three point of diversions listed. The spatial location of the POD that IDWR has in the GIS database is inconsistent to where the license examiner locates the PODs.

Authority to File:

Applicant is the current owner of water right per IDWR record and owner of property per Custer County Oct, 2009 taxlot data. Mark Holmes signed the application.

Water Right Validity:

Decreed in 1998. Forfeiture not an issue.

Injury to Other Water Rights:

Within WD 34. No mitigation will be required. No evidence of injury.

Will request water master comment

Advertise to determine protest.

Enlargement of Use:

No issue identified

Local Public Interest:

No issues identified.

M E M O R A N D U M

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.