

MEMORANDUM

Date: March 23, 2010
To: Transfer 76384
From: bjordan
Re: Transfer Evaluation

This transfer proposes change the point of diversion and place of use for water rights 27-10029. The original owner claimed water right 27-10029 in the NWNW of 2S, 36E, Sec. 29. This right should have been claimed in the NWNE of 2S, 36E, Sec. 29. The applicant proposes to change the point of diversion and place of use to its actual place of beneficial use. Purpose of use is Domestic and Stockwater.

Keith and Kelly Gardner submitted an ownership change in 1995 for water right 27-10029. Basil and Dorothy Poulson were the original owners of water right and property (153 E 200 N Blackfoot ID, 83221).

Authority to File:

Applicant is the current owner of water right per IDWR record. Applicant submitted a recorded warranty deed and a 2008 tax assessment verifying he owns property where water right is used (RP0439700).

Water Right Validity:

Decreed in 1999. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within the boundaries of WD 120. This domestic and stockwater right is not regulated by a water master.

Point of diversion and place of use has never changed.

No evidence of injury. This application will be processed as a no ad 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.