

MEMORANDUM

Date: January 20, 2010
To: Transfer 76164
From: bjordan
Re: Revised Transfer Version 2

This transfer proposes to change the point of diversion and add a point of diversion for water right 74-345. Steve Spencer who is a Water Use Specialist for the USDA Forest Service brought to our attention that the proposed changes to the PODs may have been described incorrectly. The legal descriptions for the PODs were based off of the GCDB that IDWR uses. But, two of the PODs are located in Homestead Entries ("HES") which are not partitioned into QQs by the GCDB but do have designated QQ for the entire HES. According to the GCDB the POD in HES 146 is in the NENE, Section 5, Township 15 North, Range 25 East meaning there is a change in the location. But by extrapolating the QQs to cover HES 146 the legal description for the POD is SENE, Section 5, Township 15 North, Range 25 East, representing no change for the decreed description. For the location of the POD being added in HES 541 the GCDB identifies SWNE, Section 8, Township 15 North, Range 25 East. But by extrapolating the QQs to cover HES 541 the legal description for the new POD is NENW, Section 8, Township 15 North, Range 25 East. The third POD located in the SWSE Section 28, Township 16 North, Range 25 East, is not located on a Homestead Entry and is not being changed by this transfer.

As a result of these changes, this transfer will only need to add a POD in the NENW, Section 8, Township 15 North, Range 25 East. The proof report for right 74-345 describes the PODs correctly.

Under Transfer Memo 24 page 5, a transfer is not required when a change in the description of the location of the point of diversion or place of use is only the result of improved methodology for referencing and displaying the location, which results in a more accurate description of the same physical location. Therefore, there is no need to readvertise or amend transfer applications. Changes will be made in house.