

MEMORANDUM

TO: Transfer No. 75702 File

FROM: Vicky Music

DATE: July 20, 2009

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the place of use of 78-7243A. However, there is not really a change in the POU but a correction in the licensed POU. The applicants' lot is 1.09 acres. It is located in T24N T1E S33, in both the NWNW and SWNW though the house and majority of the lot is in the SWNW. The right was licensed in the NWNW. The applicants desire to clarify that their portion of the right is for domestic use for a home located in the SWNW.

The applicants hope that this transfer will resolve the objection filed by their neighbor and owner of water right no. 78-7243B, Douglas Boggan.

The site is about 3.5 miles southwest of Riggins in Idaho County, and west of Hwy 95.

Contact person for the applicant is representative, John Giraud, CSHQA, or the applicants, Angel and Cheryl Montalbo.

Deviations from Transfer Policy Standards

The transfer application was submitted on the new form. John Giraud, CSHQA prepared the application. It was complete except that it was not signed. The applicants came into the office and signed it.

There was also typographical errors in the POU sections on page 1 and 2. The correct section of the POU is section 33. On page 1, Part 1A (2) in the narrative, the POU was incorrectly described as being in Section 32. On page 2, Part 1B (4) in the POU table, the Section was typed as Section 32. John came in the office, corrected page 1, and provided a replacement page 2 with the section listed correctly as 33.

Summary of Information Submitted and Additional Information

Authority to File: The applicants are the owners of record in the IDWR database.

Water Right Validity: Right presumed to be valid based on the pending SRBA recommendation. The SRBA objection period is over and objections were filed by both the applicant and a neighbor, Douglas Boggan. This transfer was filed to resolve the SRBA objections.

Injury to Other Water Rights: No injury is expected.

Enlargement of Use: The transfer does not propose an enlargement and none is expected.

Local Public Interest: There are no public interest issues.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use(s) consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

No additional information is needed from the applicant.

No Additional IDWR analysis is needed.

Watermaster comments will not be solicited.

A comment letter will be sent to SRBA objector, Douglas Boggan, the owner of right no. 78-7243B.

Discussion

SRBA status was provided in the first 2 paragraphs of this memo and in the *Summary of Information Provided, Water Right Validity* section.

The applicants have a domestic well that provides the primary source of water to their home. The spring that is the POD for 78-7243A is also the POD for 78-7243B and 78-7375. These 3 rights are limited to a combined diversion rate of 0.04 cfs. There are no overlapping POU's.

Mitigation is not an issue in this transfer.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 n/a since a new well(s) is not proposed.