

MEMORANDUM

Date: December 5, 2007
To: Transfer 73703 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

This transfer proposes to move a point of diversion from its existing location on property not owned by the applicant to an existing diversion located on property owned by the applicant. The water right will be moved to an existing diversion approximately 0.3 miles downstream from the original diversion on the same unnamed stream tributary to Cottonwood Creek. The current source for this water right is to be changed from seepage water to unnamed stream to match the sources for other rights from this stream per SRBA staff recommendation note that this is a clarification in source description and not an actual physical change in source. Note that the IDWR water district GIS layer shows the diversion as being located in water district 47-O, but this diversion is actually located outside of the currently active water district 47-O boundary.

- **Authority to File:**
IDWR Records show right 47-4050B to be in the name of Richard and Lynne Foster.
- **Water Right Validity:**
The right to be transferred, 47-4050B is an Adjudication Recommendation in the SRBA.
- **Injury to Other Water Rights:**
None anticipated. There are two junior water rights with diversions located between the original and proposed pod's but the proposed change should not impact these rights. Public notice will allow opportunity for anyone to object.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impacts anticipated
- **Beneficial Use/Conservation of Water Resources:**
Proposed use of irrigation is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.