

MEMORANDUM

Date: October 30, 2006
To: Transfer 72636
From: kwilson
Re: Evaluation

This transfer proposes to correct the legal description of the point of diversion and place of use for the water right involved. There is no actual change in the point of diversion or place of use just a change in the legal descriptions.

Authority to File:

The applicants have provided proof of ownership of the place of use in Sec 2, T11N, R38E, and a notarized statement from the owner of Sec 35, T12N, R38E, stating no ownership of right 31-11639. The applicants have also provided a notarized letter from lien holder agreeing to the proposed transfer of water right 31-11639. As of 10/30/2006, IDWR Eastern Region staff, spoke to Clark County Assessor's office to verify ownership of Section 35. The Messerli's still own the whole section.

Water Right Validity:

Water right 31-11639 was decreed February 22, 2002, in the Snake River Basin Adjudication. Forfeiture is not an issue.

Injury to Other Water Rights:

There is no physical change in the location of the point of diversion or the place of use. Injury is not an issue.

Enlargement of Use:

No issue identified.

Local Public Interest:

No issue identified.

Beneficial Use Conservation of Water Resources:

No issue identified.

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