

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 10/26/2005

**RE: MAXINE E. AND MILTON R. JOHNSTON TRANSFER 72387,
RIGHT 63-16370**

The purpose of the transfer is to change the point of diversion of one the applicant's two existing domestic wells. The well in the SWSW S-5 T 3N R3E will be abandoned and be replaced by a new well near the other existing well in the SESE S6 T3N R3E, Ada County. The wells are located approximately 4 miles from Warm Springs Avenue on Rocky Road.

AUTHORITY TO FILE:

The applicant is the owner of record, so no ownership information is required.

WATER RIGHT VALIDITY:

Right presumed valid since the right was decreed in the Snake River Basin Adjudication (SRBA) on 1/3/2000.

INJURY TO OTHER WATER RIGHTS:

This use has been in existence since 1951 with no complaint from neighbors or other water users. No injury anticipated.

ENLARGEMENT OF USE:

No expansion of the right is being proposed

LOCAL PUBLIC INTEREST:

There is nothing to suggest that this application is not within the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

Applicant proposed beneficial use consistent with irrigation standards for the area.

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

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NARATIVE

There are no significant overlapping water rights for the place of use or point of diversion. This is a request to replace a well that was developed in the 1950's in a different 40-acre tract. This proposal will put both wells at the same location. There is nothing that I can foresee that would prevent approval of this application.

CONDITIONS AND SUGGESTIONS

This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.