

MEMORANDUM

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DEPARTMENT OF
WATER RESOURCES

To: Transfer File 70960

From: Bob Haynes/Al Beardslee

Date: August 3, 2004

RE: Review/Analysis

Brief: Application proposes a change in the point of diversion description under Right 98-2033. The point of diversion description from the original license was in error and the transfer application is being used to correct the error. The use is also being changed from domestic to municipal to accurately reflect the city's use. The database shows municipal use on the water right record, however, the actual use listed on the license was domestic use.

Authority to File: Applicant is the water right owner of record and being a municipality, proof of ownership is not required for this transfer. Mike Woodward, whose signature is on the application, is the City Engineer and is authorized to act on behalf of the city in this matter.

Water Right Validity: Right presumed valid as used by the municipality to provide water to the service area of the city. The city filed an application for permit (98-7825) in October of 2002 (approved in March of 2003) for an additional 3.8 cfs from the creek for future anticipated needs.

Injury to Other Water Rights: Only one water right with an earlier priority (in the name of Albert Featherstone) is diverted downstream from the diversion proposed in the transfer. The description of the existing right was also upstream from Mr. Featherstone's diversion, so no injury should exist with this change. This transfer and the new permit are the only rights with diversion point listed in the SW 1/4 and the only other right diverted from Myrtle Creek is a license with a 1967 date of priority.

Enlargement of Use: No enlargement of use beyond that of the right as recorded is anticipated. The transfer simply corrects the error in the legal description of the diversion from the creek.

Local Public Interest: No negative impacts are anticipated, no protests were received when the application for permit was advertised. Serving the water needs of the residents of the municipality is undoubtedly in the local public interest.

Beneficial Use/Conservation of Water Resources: Applicant proposed beneficial use consistent with Department standards.

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