

MEMORANDUM

TO: Transfer No. 78428
FROM: Kay Walker *KW*
DATE: August 28, 2013
RE: Evaluation of Application

The transfer proposes authorization for "field prep irrigation" within the water rights existing permissible place of use (ppu). There are no changes to the points of diversion or place of use descriptions. The applicant seeks to have conditions &/or remarks included on the rights that expressly authorize irrigation for purposes of preparing lands for the following year. The rights currently allow irrigation of 838 acres, within a 3948 acre ppu, during the "standard" irrigation season.

The site is located approximately 4 miles south east of Glens Ferry, south of I-84 and west of the Snake River.

Contact person for the applicant is Attorney Michael P. Lawrence of Givens Pursley LLP, PO Box 2720, Boise, ID 83701, phone number 399-1200.

Summary of Information Submitted

Authority to File:

The applicant is the water right holder of record on both of these rights.

Water Right Validity:

Rights presumed to be valid because the partial decrees were issued within the past five year period.

Injury to Other Water Rights:

No injury should occur with proper conditions and proper compliance by the right holder.

Enlargement of Use:

Enlargement is always possible; however, with close inspection of the irrigated acres each season and compliance with conditions, by the right holder, there should be no enlargement.

Local Public Interest:

No negative impacts anticipated.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Data entry affected the correct records, the partial decrees issued in 2012 and 2009 have been updated in the water rights data base.

Water master comments will be solicited on this proposal.

There is no change to the points of diversion and place of use listed under these rights so the overlap conditions applied at decree would be accurate. The decree for right 02-103 has condition that states:

Other water rights have been decreed with a place of use within portions of the decreed place of use for this right and right 2-2209B. However only water right nos. 2-103 and 2-2209B are currently beneficially used on the decreed place of use for this right and water right 2-2209B. No transfer or other administrative or judicial action affecting the place of use of any other water right shall affect the right to the use of water under this water right or water right no. 2-2209B at the described place of use.

This condition indicates that even if other rights are used within the ppu they do not affect Rts. 02-103 and 02-2209B. A condition limiting the volume to the standard volume per acre should also be applied when changes to this right are completed.

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.