

MEMORANDUM

Date: February 05, 2010
To: Transfer 76277
From: jstanton
Re: Comment/Analysis

This application proposes to change the existing ppu to facilitate the installation of pivot sprinklers on the property. Some land outside the pivots will still be under handlines or wheel lines, but the exact configuration of the system is not known at this time. The requested ppu allows for flexibility in system design and operation. The application should be approvable with standard conditions. These rights were originally diverted from Fall Creek a little bit west of this farm, but were transferred to a pump in the Snake River some time ago; use of the rights is limited to the availability of water at the mouth of Fall River for this reason. The rights were not changed to Basin 01 in the previous transfer, and I am not proposing to change the basin now. These rights are outside the delivery area of Water District 41 even at the original pod.

Lienholder Letter Required: No

Received Date:

Parallel Processing Required: No

Advertising Required: No per Allen

Authority To File: The applicants are the heirs of Jennie Osborn, the right holder of record. They have provided deeds and other documents verifying their authority to file. This does not appear to be an issue.

They do rent a few acres near the west end of the property from the Bureau of Reclamation on an annual basis, and have provided a copy of their 2009 lease. All of the historically-irrigated BOR land is still within the proposed ppu, although it may not all be irrigated in the future. Allen is requiring a written ok from BOR, which the applicants have provided; although the letter does not refer to the transfer specifically, it does state that the land could be changed to dryland farming at any time. This appears to cover any changes to land use that would occur as a result of the transfer.

Water Right Validity: Before the proposed changes, the recorded pou was fully irrigated in 2009. Forfeiture is not an issue.

Injury To Other Rights: There should be none with standard conditions.

Enlargement of Use: None requested. The applicants have acknowledged that they will limit the ppu to no more than 80 acres per year.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified.

Review of the application finds that there is no clear inconsistency with criteria set forth in Sec. 42-222 I. C. preventing processing. At least prior to advertising, no other issues have been identified that would require further review or submittal of additional data by the applicant.