

AMENDED M E M O R A N D U M

Date: December 10, 2009
To: Transfer 76058
From: jstanton
Re: Comment/Analysis

This application corrects the pod description for the existing Snake River pump on the south side of Gridley Island, and adds a second pump on the north side of the island. The transfer also changes the pou to more-accurately reflect what will be irrigated in the future based on the 2006 ArcMap data, reducing the pou from 4.0 acres to 3.3 acres. The transfer appears to be approvable with standard conditions.

Mr. LeMoyne originally came in to change the pod for his Riley Creek right (36-55AB), but it seemed to me that he needed to include both rights due to the other changes being made. So he signed the application accordingly. While discussing this app at the weekly staff meeting, it was determined that having him relinquish the Riley Creek right in favor of the Snake River right was the cleanest way to accomplish his goals, so I have removed the Riley Creek right from the application after he signed a relinquishment form. The form will be held in the transfer file until the transfer is approved, and not processed until then. I gave him a copy of the original application, and have sent him a copy of my changes so he will be fully informed of what is going on. There is a 100% overlap of the two rights, so giving up the one right will have no negative impact on his ability to irrigate his land.

The recommended diversion rate is 0.03 cfs per acre, so reducing the pou should reduce the rate to 0.10 cfs from 0.02 cfs. The applicant is aware of the proposed reduction.

Amended Application: On 12-8-09, Mr. LeMoyne came into my office to add a third pump site close to the other proposed pump site on the south side of his property. I prepared an amended app that he signed. No fee was collected at that time. Allen has since decided that there would be no hydrologic impact due the third pump, so no advertising is needed and no fee is due. The original application was not protested, so the change will allow more efficient use of this water right without impacting other users. I have updated SDE and the draft approval accordingly, and am forwarding the file to Allen for final action.

Parallel Processing Required: No.

Advertising Required: Yes.

Authority To File: The applicants are the owners of record, so this is not an issue. One applicant is deceased, but her estate still owns some of the land. Her husband John is her personal representative according to him, and he signed in both capacities. I did not request documentation on this because it does not appear to be important. I think the SRBA recommendation may have been overly generous on the acres irrigated, although I did not look at a 1987 photo.

Water Right Validity: The right being transferred is an SRBA recommendation (no decree issued yet), so this is not an issue.

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

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Enlargement of Use: None requested. The pou is actually being reduced.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified. Land will be sprinkled for maximum efficiency of water use.

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.