

MEMORANDUM

TO: Transfer Nos. 75758 and 75905

FROM: Kay Walker

DATE: September 18, 2009

RE: Evaluation of Sufficiency of Information Submitted

These transfers propose to move 15.63 acres of irrigation off of BLM land to resolve an objection filed in the SRBA on Recommendation 02-2053. The proposal includes moving proportionate amounts of water to 2 new points of diversion and places of use. The applicant originally intended to move all the land under one transfer application but during review we found that there was already a full allotment of Snake River water appurtenant to a portion of the proposed place of use. Applicant now intends to move the 15.63 acres to 2 separate points of diversion and places of use, thus making it necessary to submit 2 transfer applications.

The existing site is located approximately 2 miles south of Black Butte, north of the Snake River in the Snake River Birds of Prey Area. The original proposed site, under amended Transfer 75758, is about 1.5 miles southwest of CJ Strike Reservoir and east of Mormon Boulevard in Little Valley. Proposed site under transfer 75905 is located approximately 1 mile east of CJ Strike Reservoir on the north side of the Snake River.

Contact person for the applicant is Vic Conrad of the J.R. Simplot Company at 336-2110.

Summary of Information Submitted

Authority to File: The applicant is the holder of the recommended water right in the SRBA. They have submitted these transfers to resolve BLM objection which states the recommendation contained some lands owned by the Federal government. The transfer applications should resolve the objection once they are processed.

Transfer No. 75758: It is noticed that the right of way documents submitted are for a pump and pipeline easement under a 1961 arrangement for the point of diversion location. One of the documents submitted describes land in the SWSW, Sec. 8, T5S, R5E; however, there are no points of diversion located in that legal description (pursuant to search of our data base records) and I believe that it was recorded in error and should describe the land in SWSW, Sec. 8, T6S, R5E as shown on other attached documents.

I have also requested and received documentation of the ownership of property within Sec. 18, T6S, R5E. This information was requested and then submitted on 7/24/2009 – ownership is verified.

Transfer No. 75905: Warranty deed submitted showing ownership of proposed place of use.

Water Right Validity: The water right proposed to be transferred has been recommended to the SRBA Court in the applicants name for the lands under Rt. 02-2053. This right was objected to, by the BLM, because 15.63 acres was found to be located on federal property. This transfer application was submitted to resolve that objection. This right is presumed to be valid based on the pending SRBA recommendation.

Injury to Other Water Rights: There should be no injury to other water rights by this proposal.

Enlargement of Use: There should be no enlargement of use under this right.

Local Public Interest: It is within the public interest to allow a land owner to relocate their water rights to property that is under their ownership, from property that is not under their ownership.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

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

Discussion

Data entry affected the correct record which is the SRBA recommendation.

SRBA status is pending. Objections to the recommendation were filed due to inclusion of BLM land. These proposals are intended to resolve the BLM objection.

Overlapping rights at existing place of use are none – the BLM owns the land from which the 15.63 acres are being transferred and this is the only right that was located on the property.

For Amended Transfer 75758: There are no overlapping rights at the proposed place of use from the Snake River. There are other Snake River rights diverted from the proposed point of diversion under Simplots name. There are rights in

the name of Schiermeir diverted in the same legal but arc view shows these rights diverted at a different diversion point.

For Transfer 75905: The proposed place of use is not covered under existing rights. The applicant has Rts. 02-10047 and 02-10048 on a portion of the field irrigated within the proposed place of use but they do not cover the 7.6 acres under this proposal. The proposed point of diversion is also used for diversion of the rights listed above, along with Rights in the name of Snake River Irrigation District. The applicant has included a copy of a 1952 agreement allowing use of the proposed point of diversion in conjunction with the irrigation district and Idaho Power.

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.