

MEMORANDUM

TO: Transfer No. 73749 File
FROM: N Van Dyke
DATE: 06/19/09
RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to shift acreage under one water right to reflect actual usage. There is NO split of the water right to accomplish change.

The site is approximately 7 miles west of C.J. Strike dam.

Contact person for the applicant is the applicant.

Summary of Information Submitted

Authority to File: Applicant is owner of record per IDWR records.

Water Right Validity: Right decreed by the SRBA court on 1/21/03. Forfeiture does not appear to be an issue because 2006 imagery clearly shows ground being irrigated.

Injury to Other Water Rights: None anticipated. .

Enlargement of Use: None anticipated. Diversion rate, volume, number of acres irrigated, and consumptive use not changing.

Local Public Interest: Will be advertised to determine.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use(s) 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.

DEVIATIONS FROM STANDARDS

See page 3.

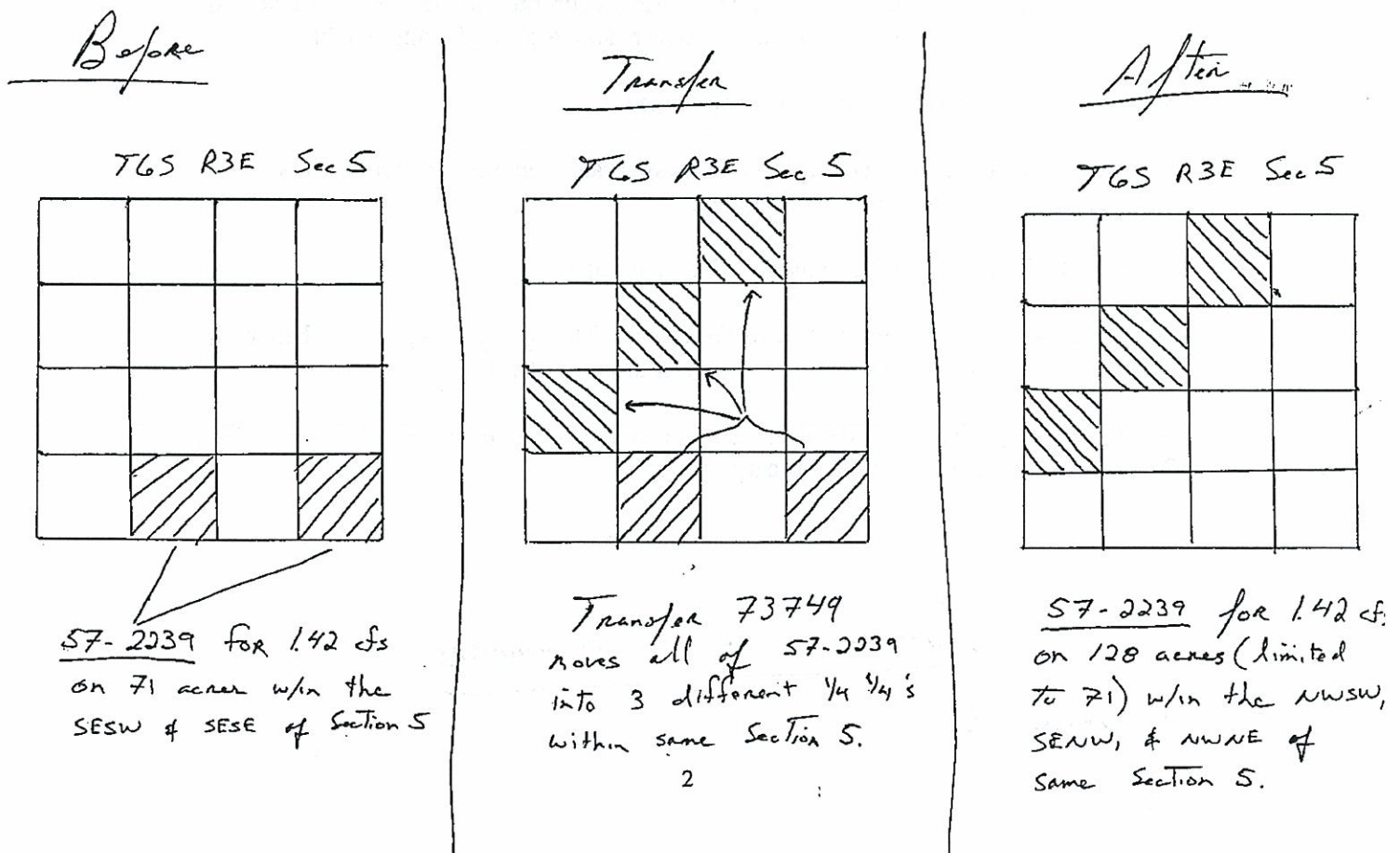
Discussion.

Transfers 73748 and 73749 are related. 73748 splits surface water right 2-7279A and moves a portion to two existing pivots. Outgoing from these two pivots is Transfer 73749 moving 57-2239 into a portion of the place of use 2-7279A originally covered. In summary, groundwater will be used on 3 existing pivots in the NWSW, SENW, and NENE of Sec 5, T06S, R03E. Surface water will be used on two existing pivots in the SESW and SE of same section. Transfers filed to reflect actual usage. *Below I've added a drawing to help illustrate transfer.* was c/p/a

While researching this transfer it was discovered that the place of use for water right 57-2226 was decreed in the wrong place. I informed adjudication staff here at the state office and ultimately an amended partial decree was filed on 4/8/09 (see file for email correspondence). The amended decree moved the place of use for 57-2226 to the three pivots in the NWSW, SENW, and NENE of Sec 5, Twp 6S, Rge 3E, the same three pivots that Transfer 73749 will move 57-2239 to. Normally 57-2226 would have been brought into this transfer as an associated right to add the overlap condition, however that was done while issuing the amended decree. Therefore there is no need to bring in 57-2226 as an associated right.

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.



Deviations from Standards

As submitted the applicant left blank some of the questions on the application. I met with the applicant and discussed the application at length. The questions could have been filled in at that time, however all necessary information to process transfer was given during our meeting and conveyed directly into workflow. The response to question #5.d is misleading in that it states "NONE" effect on the land now irrigated if the place of use is changed pursuant to transfer. However the interpretation may have been this transfer will have no **future** real-world effect - the changes **have already** taken place and this is correcting the records to match actual usage.