

MEMORANDUM

TO: Transfer No. 73775, 73776 File

FROM: NVanDyke

DATE: 08/24/09

RE: Evaluation of Sufficiency of Information Submitted

Theses transfers propose to change the place of use for two rights, 2-202A and 57-7100 to accurately describe current use. Transfer 73775 is for right 2-202A; transfer 73776 is for right 57-7100.

The site is about 2.5 miles west of C.J. Strike dam, between the Snake River and Hwy 78. Legal description is sections 30, 31 T05S R04E.

Contact person for the applicant is Dana L. Hofstetter, attorney. (208) 424-7800.

Deviations from Transfer Policy Standards

A non-standard method for addressing associated rights was used. A brief summary follows in the discussion. For specifics contact Nick Van Dyke for explanation.

Summary of Information Submitted

Authority to File: Ground that both rights are appurtenant to before and after transfer was conveyed to the applicants by previous owner. See attachment B in transfer application.

Water Right Validity: Right 57-7100 was partially decreed on 2/21/2003, transfer filed in 2005. Right 2-202A was decreed 6/15/09. Forfeiture does not appear to be an issue.

Injury to Other Water Rights: None anticipated. Transfers are correcting IDWR records to match current usage.

Enlargement of Use: None anticipated. See discussion for more analysis.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: Result of transfer will be to change the place of use to match recently installed pivots.

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

Discussion

Both transfers are correcting the place of use for both rights to match current use. Water rights involved are 2-202A and 57-7100. Both will be put into a 132.5 acre ppu with individual limits of 60 and 53 respectively. There is a combined limit between the two transferred rights resulting from a 2-acre overlap. Note that the recommendation report for 2-202A shows 60 acres, however 58 are shown on the application. I spoke with the applicant's attorney and confirmed this was an oversight. The place of use consists of one large pivot that overlaps with a smaller pivot, effectively turning the smaller pivot into a 2/3 pivot. 2006 Naip imagery matches what is shown on attachment A2 in application. The point of diversion(s), nature of use, and period of use for both rights will not be changed by either transfer.

The Grandview canal borders the property to the north, the Shoofly Canal borders on the south. Pipelines take water from the two ditches and dump it into a common pond on the western edge of the ppu. The pond pretty much straddles the section line between Sec36 T5S R3E and Sec31T5S R4E. I confirmed thru the applicant's attorney that the pond falls under the Department's 24-hour rule. Water is then pumped from the pond thru a pipe to the two pivots.

In a 6/26/08 letter I informed the applicants that the two transfers could have been filed as one to simplify processing, however attorney for applicant informed me in a 4/22/09 response letter that the applicants wanted to continue processing as two applications. Overlap analysis shows two water rights that need to be brought in as associated rights, 2-10201 and 57-7051A. A non-standard approach was used in addressing the overlapping rights (due to processing theses as two applications versus one) however methodology was approved by my supervisor. In short, technically both associated rights should go into each transfer due to how they overlap with the new ppu. But to avoid possible updating errors when approving the transfers, I simply grouped the associated rights into the transfer with the matching basin number (2-10201 to Transfer 73775 with right 2-202A and 57-7051A to Transfer 73776 with 57-7100).

Note that both rights being transferred and associated right 57-7051A are water supply bank active. Because 57-7051A overlaps and is bank active, a modified condition was applied to address the overlap. This condition was developed with eastern region to address a similar transfer situation.

Summary

The application can be approved as reflected by the draft approval.