

Comment Report

Application ID 75373

1. jstanton 3/10/2009 1:16:41 PM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: N

Reason:

Doc Attached:

Explanation:

Special Administration Areas : North Snake GW District

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 3/10/2009 1:17:08 PM Additional Information Notes

Comment: Reviewed by Adjudication Staff: N/A

Mitigation Plan or acceptance form: N/A

Municipal Rights Anticipated Horizon Information: N/A

3. jstanton 3/10/2009 Comment/Analysis

Comment: This application reduces water use at Van Beek Dairy #3 (NE/SE Sec. 3) to provide additional water for the same uses at Dairy #2 (SE/SE Sec. 3). Assuming T75371 is approved, there would be 30 afa still left at Dairy #3 from the same base rights that are involved in this transfer. T75373 moves 30 afa to Dairy #2, even though only 9 afa is needed at this time. This is the applicant choice, and is OK with S. O. - no justification is needed to move the extra water. I thought that some of the base rights would be left at Dairy #3, so split them into 3 parts instead of 2; the untransferred parts will be placeholders only, with no water available for use. Other rights still at Dairy #3 will provide enough water for the use that will still occur at that facility. The applicants chose which rights to move and which rights to leave at Dairy #3, and Pam told me that this is ok. Everything appears to be in order, so the transfer should be approvable with standard conditions. I do not see any reason to advertise these 2 apps, and I will find out about parallel processing.

The original application did not include the right that is already appurtenant to Dairy #2, but I added it in order to clean up the commercial place of use. As recorded, the right includes commercial use in numerous tracts where dairy wastewater could be applied. That is no longer required, so it seems logical to clean up the description to show only the tract where the dairy is actually located. Allen agrees, and did not think that any additional fee should be due because of this. I will produce a corrected application for the applicant signature.

Authority To File: The applicants are the owners of record for both tracts, so this is not an issue.

Water Right Validity: The dairies are all in current operation, so this does not appear to be an issue.

Injury To Other Rights: There should be none with standard conditions. The facilities are being monitored under WD 130, so an excess usage will be detected and corrected.

Enlargement of Use: None requested. The amount of water being moved will not be fully utilized for some time, so water use overall will actually decrease for a while.

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.