

## **Comment Report**

### **Application ID 71902**

1. jstanton 12/9/2005 1:23:21 PM Special Administration Area Notes

Comment: Special Administration Areas : None

Exempt:

Reason:

Doc Attached:

Explanation:

2. jstanton 12/9/2005 1:24:03 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 12/9/2005 Comment/Analysis

Comment: This application proposes to remove the SRBA-recommended rights from land just east of Carey to land just NW of Carey to facilitate the sale of the land east of town. Both parcels have shares from Little Wood Reservoir, so the rights being transferred will continue to be primary. As luck would have it, both parcels are exactly the same size. They actually irrigate additional leased land on their home place north of Carey, but do not want to put their decreed rights on it. The water will all come out of their existing pumps or headgates in the East Canal. A groundwater right has been decreed to some of their land west of the Little Wood River Road, but a separate transfer moves this water to land just north of the pivot there; only the pivot is part of the proposed pou. The transfer should be approvable with standard conditions.

The original application said that there were lienholders on this property, but the applicants recently told me that the loans had been paid off. No lienholder letter is needed.

The original application included Claim 37-702, as all 5 rights had been claimed on almost 600 acres. But the recommendations that came out recently put that right on a different parcel than the other 4 rights, so it has now been removed from the application. The filing fee for the original app was \$330, but is now \$410; they have remitted the additional fee along with a signed corrected application.

Although the corrected application shows an irrigation season of 4-1 to 11-1 in Parts 3A, I have changed this back to the standard season of 4-15 to 10-31. I do not remember where the longer season came from.

Authority To File: These rights were claimed and recommended in the name of Peterson Farms. According to Mr. Peterson, that entity consisted of the applicants and their son L. James Peterson. According to IDSOS, their son and his wife now make up

their son L. James Peterson. According to IDSOS, their son and his wife now make up Peterson Farms. Mr. Peterson said that the applicants removed themselves from this entity a long time ago. They said that Peterson Farms never actually owned any land, so I have requested proof of ownership for both parcels; they supplied copies of property-tax notices. Some of the original pou for these rights is now owned by other parties, and the applicants have provided releases from those parties (which bought their portions of the original pou without any water rights).

Water Right Validity: The rights have been recommended in the recent Directors Report, so this is not an issue.

Injury To Other Rights: Apparently none. These rights are under watermaster control, so this should take care of any problems that might arise. The watermaster is also the ditch rider for Little Wood Canal Co. The Canal Co. confirmed that both farms have just about the same number of canal shares, so moving the private rights upstream should not have any significant effect on other water users in the system.

Enlargement of Use: None requested.

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.

#### 4. jstanton 12/9/2005 Legal Notice Remarks

Comment: This application proposes to move 4 decreed water rights from land just east of Carey to land owned by the applicants about 1 1/2 mile NW of Carey. The rights will continue to be diverted through the East Ditch. The land east of town will be converted to home sites and no longer farmed. The land NW of Carey has historically been irrigated with canal shares, and this will continue as needed based on available water supplies.





