

Comment Report

Application ID 74345

1. jstanton 12/17/2007 4:45:43 PM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 12/17/2007 4:46:00 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 12/17/2007 Comment/Analysis

Comment: This application proposes to dry up land on a farm so a dairy can be built on the same land. Two new wells will be drilled for the dairy, as some land will still be irrigated from the existing well.

Authority To File: The water rights involved in this transfer are not held by the applicant, and the transfer will not change the ownership. If everything goes according to plan, the applicant will become the owner of the property in a year or so (presumably after the transfer is approved). The water rights are held by the Duncan family (Paul, Jack, etc.), and East Ridge Milk is owned by Paul Duncan. Paul has provided written permission from the right holders to make the transfer. While complicated, authority to file does not appear to be an issue. IDSOS registration has been verified as required.

Water Right Validity: The rights were decreed in 2005, so forfeiture is not an issue.

Injury To Other Rights: There should be none with proper conditions. Since the new wells are on the same farm as the original well, no mitigation is required.

Enlargement of Use: None requested. The application is based on the revised crop-consumption data from the University of Idaho, which show 3.01 afa/ac consumptive use for alfalfa. FSA crop data verifies that hay has been grown on the property within the last 5 years. Although this is an obvious ppu, it was not decreed that way. Most of the land being dried up for the dairy is covered under Right 45-7232E, so all of that right is being switched over. The small amount of additional water for the dairy is coming from the other right. The full appurtenant cfs rate is being requested for the dairy in case both wells will be needed at the same time (one will probably be a backup well most of the time). The second right adds 0.69 cfs to what is already allowed under 7232E, so the total cfs for the dairy should include something

already allowed under 7232E, so the total cfs for the dairy should include something from 14019; I have adjusted the untransferred rate accordingly (1.49 cfs for the dairy + 0.56 remaining for irrigation = 2.05 cfs decreed).

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 12/18/2007 Legal Notice Remarks

Comment: This application proposes to dry up land for a new dairy to built on the same land. Two new wells will be drilled for the dairy. The property is located in Cassia County 1/2 mile south and 7 miles east of Rupert.