

Comment Report

Application ID 73404

1. jstanton 3/16/2007 9:21:12 AM 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 3/16/2007 9:50:42 AM 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 5/21/2007 Comment/Analysis

Comment: This application legalizes a water swap agreed to by the applicant and Dewey Durfee when Durfee sold the N1/2NE1/4 Sec. 25 to Box Canyon. Box Canyon retains a small portion of the early water on their land, but gets mainly late-priority ground water for irrigation of the remaining land watered by the existing pivot sprinkler. The acreage is being reduced to reflect the actual irrigation that can still occur due to the construction of a dairy in the NE/NE Sec. 25. Durfee runs the well and the pivot. T72839 moves most of the early water from this land to the Dewey property so he will be protected from any possible groundwater curtailment is the ESPA. The application appears to be approvable with standard conditions.

Authority To File: Both parties are aware of the two transfers, which were instigated by Mr. Durfee. This does not appear to be an issue. The application was signed by the long-time manager of Box Canyon Dairy, who I have worked with on other matters relating to their various water rights. Scott Hogue told me that this entity is now doing business as Box Canyon Dairy, even though the rights are listed under Aardema-Heida Dairy. The same people are involved; this is just a name change. Ownership of these rights should change accordingly. Box Canyon Dairy is registered with IDSOS at the same as address as already listed on the water rights.

Water Right Validity: All rights have been decreed in the SRBA. 36-7387A was decreed in 2000, and has continually been used, while 7387C was just recently decreed. The applicant is willing to reduce the pou to reflect current irrigation

decreed. The applicant is willing to reduce the pou to reflect current irrigation practices. Forfeiture does not appear to be an issue.

Injury To Other Rights: There should be none. The same well will continue to be used, so no mitigation is required. The pivot in the NE1/4 Sec. 25 uses only well water; no canal shares are involved.

Enlargement of Use: None requested. The actual number of irrigated acres will be reduced under these two transfers.

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.