

Comment Report

Application ID 73663

1. jstanton 9/25/2007 10:31:57 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 9/25/2007 10:46:37 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 9/25/2007 Comment/Analysis

Comment: This application changes ownership of this water right, removes industrial use in a potato cellar, and clarifies the point of diversion and place of use based on a 2004 aerial photo. The application was filed by the son of the owners of record, who told me that the potato cellar was removed several years ago. The transfer should be approvable with standard conditions. I discussed this application with Cindy Yenter, who said that she would not require a measuring device at this time. This is just a housekeeping transfer to bring the record up to date; Allen does not feel that advertising is needed.

Authority To File: Both applicants have provided deeds to their portions of the original property, so this is not an issue. There is a lienholder on the Carter portion of the property, but not on the Nelson portion. I have tried to get a lienholder letter from Carter, but it has not been submitted. I do not see a need for a letter in this case, since nothing is changing on the Carter property. I would like to move forward on this without the letter, as waiting for it has just caused unnecessary delays.

Water Right Validity: This is a former license that has been decreed in the SRBA. The 2004 ArcView photo shows 2 homes with lawns, so forfeiture does not appear to be an issue.

Injury To Other Rights: There should be none. The transfer just describes how the water is presently used without actually changing anything on the property.

water is presently used without actually changing anything on the property.

Enlargement of Use: None requested. The license was issued for 0.08 cfs and 2.4 afa for domestic use, plus 0.01 cfs and 0.3 afa for industrial use. The transfer only covers the domestic use, abandoning the industrial use. The potato cellar was abandoned in 1990, so the use should be considered forfeited; it was the idea of Mr. Nelson to leave this use out of the transfer. The SRBA decree left off the volume, but I am adding it back in.

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 9/25/2007 Legal Notice Remarks

Comment: This application changes ownership, removes the former industrial use in a potato cellar, and clarifies the point of diversion and place of use based on a 2004 aerial photo. The property is located about 2 1/4 miles south and 6 miles east of Hazelton.