

Comment Report

Application ID 73641

1. jstanton 4/3/2008 2:47:54 PM Special Administration Area Notes

Comment: Special Administration Areas : None

Exempt: Y

Reason:

Doc Attached:

Explanation:

2. jstanton 4/3/2008 2:48:42 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 4/3/2008 Comment/Analysis

Comment: This application proposes to dry up additional land to provide water for the expansion of an existing dairy. An additional well will be drilled for the dairy. This appears to be a standard cafo transfer, so standard conditions should be sufficient.

Mr. Andersen has requested additional time to complete this development, so I am recommending that the transfer be approved with 3 years development time.

The one issue that I have found so far is diversion rate. The application was filed for 0.12 cfs, the minimum rate needed to get the requested volume. But 0.33 cfs is appurtenant to the land being dried up. The applicant has provided information showing that 1.2 cfs will be needed to run the expanded dairy, but that they could get by with less. Combining the existing rate (0.52 cfs) and the appurtenant rate of 0.33 cfs will provide 0.85 cfs. I gave the applicant the chance to dry up more land to increase the dairy diversion rate, but he chose not to do so. So I am recommending that the transfer be approved for the appurtenant rate instead of for the minimum rate originally requested.

Authority To File: Alan & Norma Andersen are the owners of record for these water rights. The applicant is Anderland LLC, which IDSOS records show is comprised of the Andersens. Mr. Andersen has provided copies of deeds conveying the land from him and his wife to Anderland. Authority to file does not appear to be an issue.

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

Injury To Other Rights: There should be none with proper conditions.

Enlargement of Use: None requested. The amount of land being dried up is based on the consumptive values of the crops grown there as verified by FSA records.

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 4/3/2008 Legal Notice Remarks

Comment: This application proposes to dry up irrigated land to provide water for the expansion of an existing dairy located about 4 miles east and 2 1/2 miles north of Declo, Idaho. One new well will be drilled to provide additional water for the dairy.