

Comment Report

Application ID 73716

1. jroberts 11/9/2007 Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake River Plain Area (Moratorium Area)

Exempt: Y

Reason:

Doc Attached:

Explanation: Transfer

Special Administration Areas : North Snake (Ground Water District)

Exempt: Y

Reason:

Doc Attached:

Explanation: Transfer

Special Administration Areas : Trust Water Area (Trust Water Area)

Exempt: Y

Reason:

Doc Attached:

Explanation: Transfer

2. jroberts 11/9/2007 11:00:41 AM Additional Information Notes

Comment: Reviewed by Adjudication Staff: N/A

Mitigation Plan or acceptance form: Attached

Municipal Rights Anticipated Horizon Information: N/A

3. jroberts 11/9/2007 Legal Notice Remarks

Comment:

Transfer proposes to create a permissible place of use of 160 acres and bring in additional water from another farm. 5.3 acres currently in a permissible place of use of 485 acres in Sections 24 and 25, T08S, R21E and Section 30, T08S, R22E in Jerome County (approximately 7.5 miles north and 10 miles east of Hazelton) will be dried up and a total of 0.11 cfs and 21.2 AF will be moved and combined with 126.7 acres already at the location and diverted from an existing well located in Section 24, T09S, R20E, also in Jerome County (approximately 2 miles north and 3.0 - 3.5 miles east of Hazelton). No new wells will be drilled.

4. jroberts 11/9/2007 Comment/Analysis

Comment: M E M O R A N D U M

Date: November 9, 2007

Date: November 9, 2007
To: Transfer 73716 File

From: Jeanie Robertson

Re: Evaluation of Sufficiency of Information Submitted

This transfer seeks to move the 5.3 acres, 0.11 cfs and 21.2 AF of right 36-16380 approximately 8.6 miles south and west down gradient across the ESPA to be diverted from an existing well at the new PoU. No new wells will be drilled. These acres will then be combined with the 126.7 acres of rights 36-16546 and 36-16547, splits of 36-16379, which is already there, into a PPU of 160 acres. (These same 5.3 acres were recently moved in the opposite direction in Transfer 72389 to offset Transfer 72393). The water is coming from Cell 9, 22 and going to Cell 7, 19 in the old model (or from Cells 70, 50 & 70, 51 to Cell 72, 42 in the new model). Another transfer (73715) was filed at the same time and the ESPA model analysis was performed on both transfers combined and showed that each transfer cancels out the effects of the other and the net effect maintains historical Snake River depletions within 5%. So-called offsetting conditions will apply to both sets of rights in the future. Proposed use is within WD 130 so Watermaster comments will be needed. Location of the new place of use is approximately 2 miles north and 3.0 - 3.5 miles east of Hazelton.

· Authority to File:

IDWR Records show rights 36-16546 and 36-16380 (both from 36-7378) to be in the name of the applicant, Idaho Water Company, LLC. 36-16546 and 36-16547 are splits of 36-16379. 36-16547 is in the name of Robert and Shirlene Messner. (Ownership of right 36-16379 had been changed to the Messners but this was apparently not the intention of their agreement with Del Kohtz. They signed quitclaim deeds to Kohtz for the amounts he retained, 0.9s cfs, 186.8 Af, and 46.7 ac and 36-16379 was split into 36-16546 and 36-16547). Messners own the 160-acre place of use where all three rights are being placed into the PPU, thus their right was included in the transfer. There is a Security Interest on their right and a release from the lien holder has been requested. Kohtz informed me that the property has been sold again and the sale will close at the end of January or so but he will attempt to get the release.

· Water Right Validity:

The parent right, 36-7378, was decreed in the SRBA on August 27, 2001.

· Injury to Other Water Rights:

None anticipated. The to well already exists and with proper measurement requirements, no injury should occur.

· Enlargement of Use:

None anticipated.

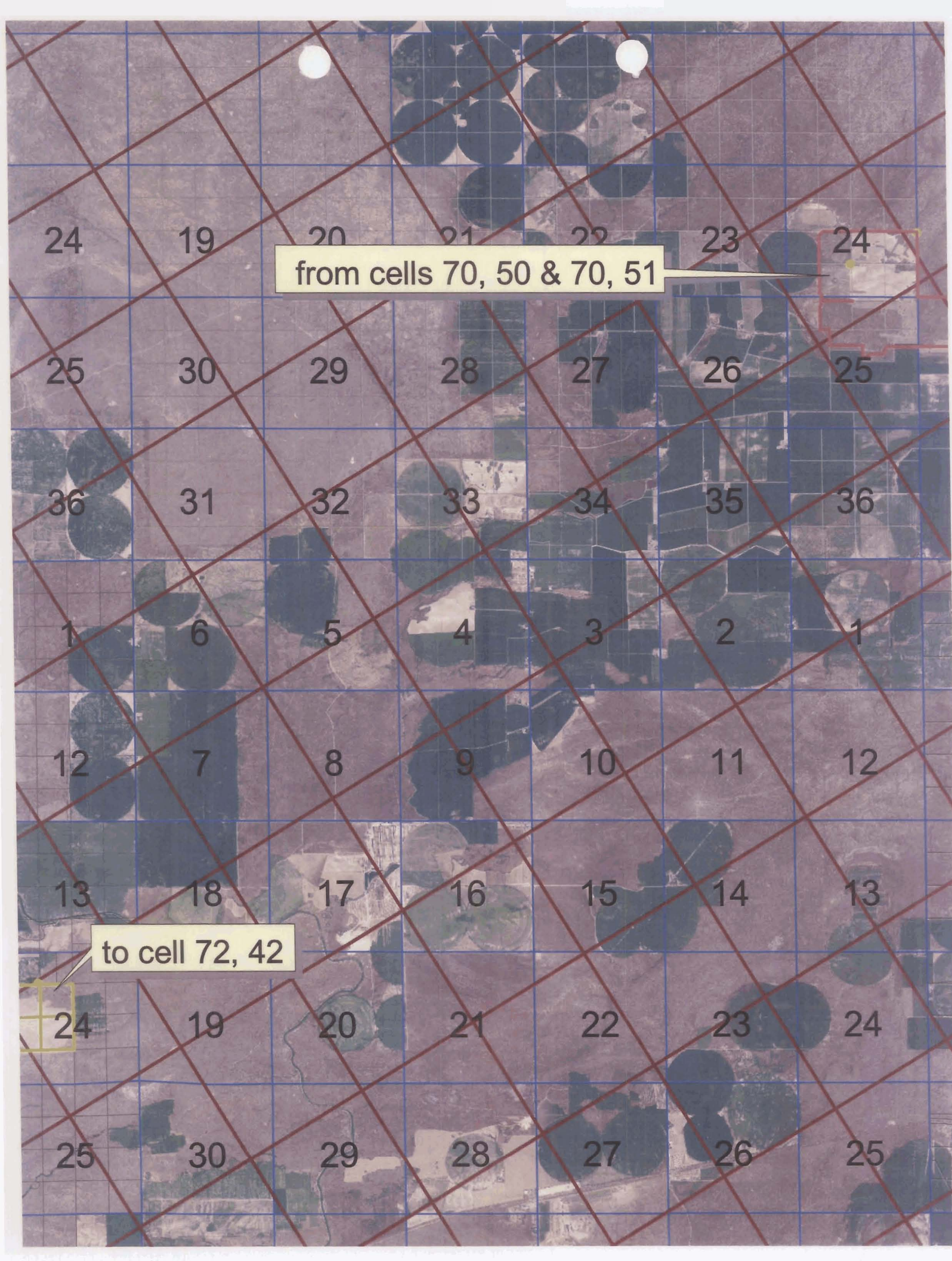
- Local Public Interest:

No negative impacts anticipated. It would appear that transfers 73715 and 73716 seem to offset the impact of each other. (We ran the old model again using their figures and it seemed to be correct.)

- Beneficial Use/Conservation of Water Resources:

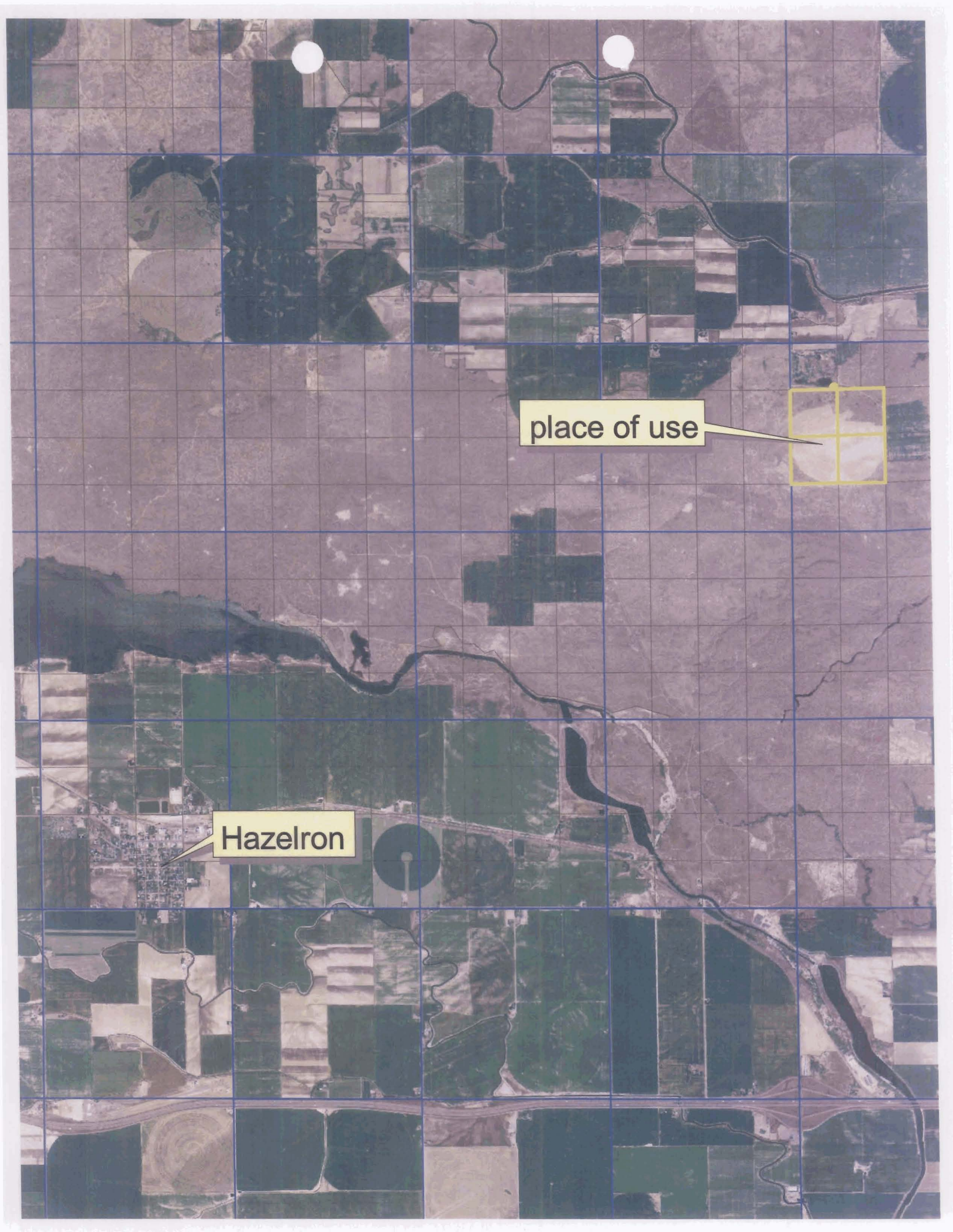
Proposed use of irrigation is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.



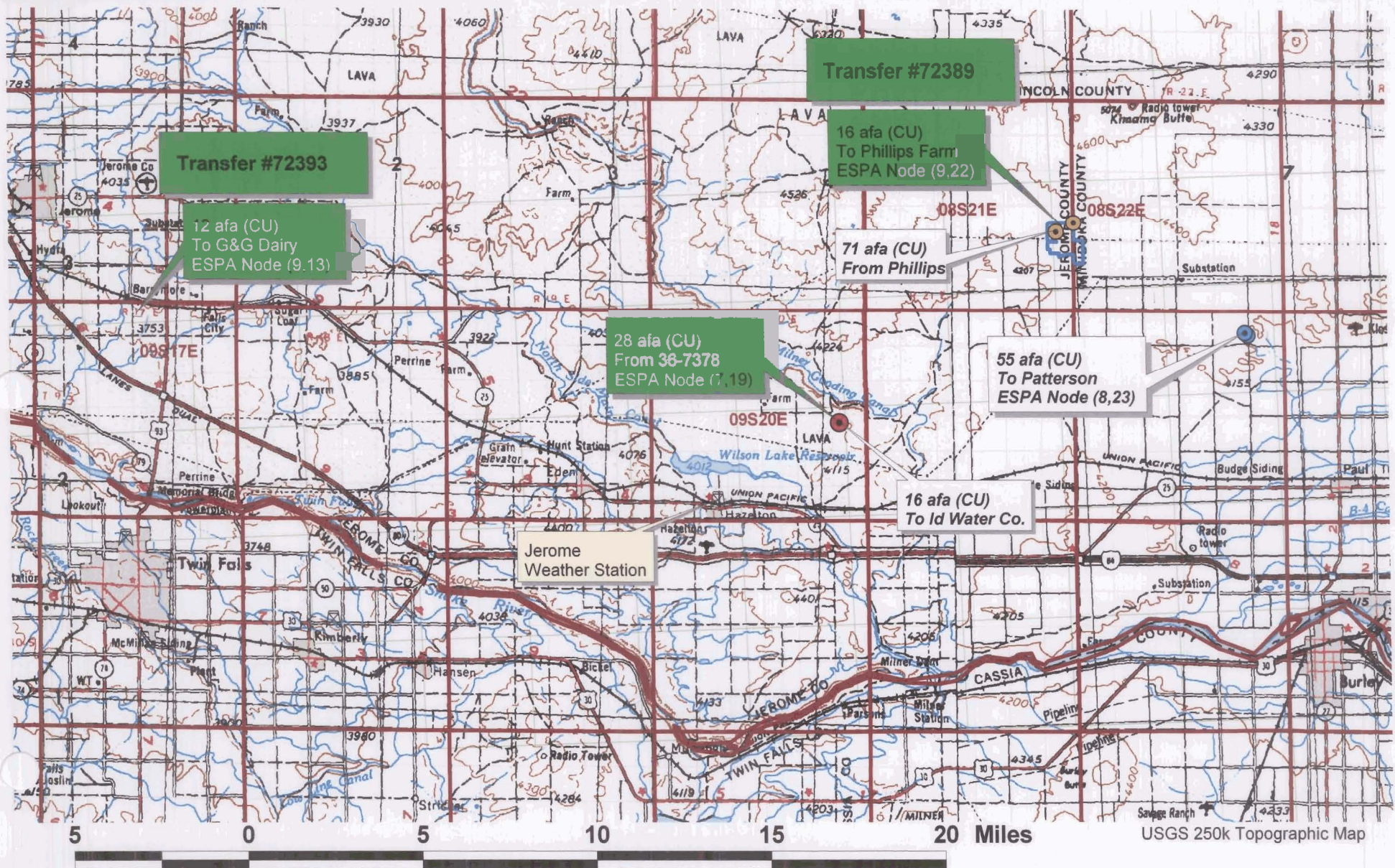
from cells 70, 50 & 70, 51

to cell 72, 42



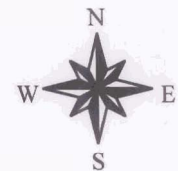
place of use

Hazelron



[] PLSS Township Boundaries
 [] PLSS Section Lines
 [] Modelgrid_nad83.shp

[] Weather Station
 ● POD - Patterson
 ● POD - Idaho Water Co.
 ● POD - Phillips



ESPA Combined Transfer Details (#72389, #72393 & Patterson)