

Comment Report

Application ID 73711

1. jroberts 11/16/2007 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 : Magic Valley (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 11/16/2007 1:13:10 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. jroberts 11/16/2007 Comment/Analysis
Comment: M E M O R A N D U M

Date: November 12, 2007
To: Transfer 73711 File

From: Jeanie Robertson

Re: Evaluation of Sufficiency of Information Submitted

This transfer changes the place of use on two rights that were split up front. Rights 36-2268A and 36-10090, an enlargement of the first right, were each split into two parts and then the second of those parts (36-16455 and 36-16457) were split again between Woodland and the BLM. This transfer deals with rights 36-16454 and

between Woodland and the BLM. This transfer deals with rights 36-16454 and 36-16456, the remainders of the first splits, for a total of 26.7 acres. These rights were left in the names of the previous owners, Sam and Margaret Large. The application was filed in the name of S & R Investments, aka Steve, Roy and Maria Young. A copy of the original Change of Ownership from the Larges to North Ridge LLC along with a Contract of Sale is in the file. There is also a Change of Ownership and Quitclaim deeds from North Ridge LLC to S&R Inv., showing S&R retained 26.7 acres and portions of the original rights. Another Change of Ownership and a Warranty Deed from S&R Inv to the Woodlands are also in the file. S&R Inv. is a registered entity on the SOS website. Transfer seeks to change the place of use of the 26.7 acres and move them into a large PPU of 7, 695.5 acres, with an acre limit of 7, 538.5 acres within, created by a previous transfer (73520) - which has not yet been approved. There is a system of 30 wells for the PPU. Transfer 73711 will not increase the acres in the PPU, just increase the acre limits by the 26.7 acres for a new acre limit total of 7, 565.2 acres. It will also add a combined total of 0.38 cfs and 106.8 AF to the totals created by Transfer 73520. Upon approval of Transfer 73711, the new total combined diversion rate will be 105.64 cfs and the new annual maximum diversion volume will be 30, 260.8 AF. There are 58 associated rights that will be affected by the transfer and must have the WB4 Condition updated to reflect the new totals. This is the only change needed so I will do this in Adhoc after this transfer is approved instead of bringing them into the transfer as true Associated Rights, which would mean having to re-link all 58 rights that have 30 wells on each. The approval document will just list the rights and mention that their conditions will be updated to reflect the approved transfer. A comment will be added to these rights to document the change. The wells for rights 36-16454 and 36-16456 were linked in Arcview and I used the same podids as transfer 73520. The PoUs have also been linked in Arcview. The location is a large area consisting of 7, 695.5 acres served by 30 wells in Townships 06S & 07S and Ranges 23E & 27E north of Rupert and Paul.

· Authority to File:

IDWR Records are in the name of Sam and Margaret Large. Various Quitclaim and Warranty Deeds were provided which conveyed these rights to S&R Inv. so an ownership change was done as part of the transfer.

· Water Right Validity:

Partial decrees were issued for the parent rights, 36-2268B and 10090, on Oct. 31, 2005, and the rights have continued to be used at the previous place of use so forfeiture does not appear to be an issue.

· Injury to Other Water Rights:

None anticipated. The FROM well is in cell 63, 59 of the new model and Jason ran the model using the worst-case scenario with the TO well in cell 70, 71. I checked his inputs and ran the model and got the same results showing no mitigation is required. The rights are under the jurisdiction of WD 130 so measuring devices and data loggers will be required with annual reporting of the uses and no new wells will be authorized.

- Enlargement of Use:
None anticipated, based on the reasons above.

- Local Public Interest:
No negative impacts anticipated.

- Beneficial Use/Conservation of Water Resources:
Proposed use 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.

4. jroberts 11/16/2007 Legal Notice Remarks

Comment: Transfer changes the place of use for two water rights currently diverting a total of 0.38 cfs and 106.8 AF for the irrigation of 26.7 acres from a farm in Sections 29 and 32, T06S, R22E and moves them into a large permissible place of use consisting of 7,695.5 acres located approximately 5 - 13 miles to the east, north of Rupert and Paul. There are 30 existing wells in the system, no new wells will be drilled.

