

Comment Report

Application ID 73505

1. jroberts 4/19/2007 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 : Trust Water Area (Trust Water Area)

Exempt: Y

Reason:

Doc Attached:

Explanation: Transfer

2. jroberts 4/19/2007 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 4/19/2007 Comment/Analysis

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

Date: April 19, 2007

To: Transfer 73505 File

From: Jeanie Robertson

Re: Evaluation of Sufficiency of Information Submitted

36-2258B was split as an ownership change up front into 36-16473 and 36-16474. Transfer seeks to change the place of use of 27 acres under 36-16473 and move it into a large PPU created by a previous transfer (69465); remove the well in Section 1 which was conveyed with 36-16474 by the ownership split along with 120 acres in Section 1; and add the 17 wells currently serving the large PPU to right 36-16473. (The parent 36-2258B was missed in the earlier transfer but should have been included and added an extra 147 acres. *See page 2 of Agreement for Split of Irrigation Water Rights.) The previous PPU was for 5,183 acres, removing the 120 acres leaves 5,063 acres in the new PPU. The previous total combined acre limit was 4,921 acres. Adding these 27 acres makes the total combined acre limit on all rights

4,921 acres. Adding these 27 acres makes the total combined acre limit on all rights 4,948 acres. There are 24 associated rights that will be affected by the transfer and must have their pou reduced by the 120 acres, the well in Section 1 removed, and the conditions updated. (Right 36-16041 is a BLM right for 6 acres and only needs the well removed in Section 1.) These 24 rights were brought into the transfer as Associated Rights. Michael Ciscell said he could update the wells for all the rights AFTER the transfer is approved and the records are made active again. The wells were all linked in Arcview under right 36-16474. All the PoUs have been linked in Arcview. The location is a large area consisting of 5,063 acres ranging from approximately 1.0 - 6.5 miles east of the town site of Minidoka and from 2.0 - 2.5 miles south to 3.5 miles north of the town site of Minidoka.

· Authority to File:

IDWR Records show the water right in the name of Mainline Ranches but the Youngs have provided a quitclaim deed from Mainline Ranches to the Youngs for the property and all the water rights appurtenant to it. (The other 24 rights were made appurtenant to it during the previous transfer.) They have also provided a partial mortgage release from the lien holder for this particular piece of property.

· Water Right Validity:

A partial decree was issued for the parent right, 36-2258B, on Dec. 4, 2001, and the right has been used so forfeiture does not appear to be an issue.

· Injury to Other Water Rights:

None anticipated. The right is 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.

· 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 4/19/2007 Legal Notice Remarks

Comment: Transfer changes the place of use for a right currently diverting 0.37 cfs and 108 AF from a well located approximately 0.25 miles south of the town site of Minidoka

108 AF from a well located approximately 0.25 miles south of the town site of Minidoka (9.5 miles north and 9.0 miles east of Rupert) and used for the irrigation of 27 acres to a large permissible place of use of 5,063 acres and served by 17 existing wells located in an area between 1.0 - 6.5 miles east of the Minidoka town site and from 2.0 - 2.5 miles south to 3.5 miles north of the Minidoka town site.

