

Comment Report

Application ID 72396

1. jroberts 2/26/2007 Comment/Analysis
Comment: M E M O R A N D U M

Date: February 26, 2007
To: Transfer 72396 File

From: Jeanie Robertson

Re: Evaluation of Sufficiency of Information Submitted

This transfer proposes to create a ppu of 640 acres by combining the 290 acres from 36-16383 (which was split from 36-16058 for companion transfer 72395) and the 305.5 acres from 36-16060. The two rights will be limited to 595.5 acres within the 640-ac ppu. Two existing wells will be tied together and no new wells will be drilled. The wells are located within Water District 130. Their approximate location is between 8.5 - 9.5 miles north and 1.0 - 2.0 miles east of Acequia.

· Authority to File:

IDWR Records show the rights in the name of the applicants, PFK Properties, LLC and The Duncan Limited Partnership. The Idaho Secretary of State page shows that both entities are valid and that Paul Duncan, who signed the application, is a registered agent with each. Northwest Farm Credit Services is the lien holder on the property and they have provided an Affidavit of Agreement to the transfer.

· Water Right Validity:

36-16059, parent right of 36-16383, was decreed on 11/27/2001 and 36-16060 was decreed 12/3/2001. This transfer was received in our office on 9/28/2005, so forfeiture should not be an issue.

· Injury to Other Water Rights:

None anticipated. The wells are existing wells in WD130 with a water master and measurement and reporting requirements, so no injury should occur.

· Enlargement of Use:

None anticipated.

· Local Public Interest:

No negative impacts anticipated.

· Beneficial Use/Conservation of Water Resources:

· 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.

2. jroberts 2/26/2007 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

3. jroberts 2/26/2007 Additional Information Notes
Comment: Reviewed by Adjudication Staff: N/A
Mitigation Plan or acceptance form: N/A
Municipal Rights Anticipated Horizon Information: N/A

4. jroberts 2/26/2007 Legal Notice Remarks
Comment: Transfer proposes to create a permissible place of use of 640 acres by combining two existing water rights and their two existing wells with a total combined diversion rate of 7.45 cfs and total combined annual volume of 2382 AF to be used for the irrigation of 595.5 acres within the proposed permissible place of use located approximately 8.5 - 9.5 miles north and 1.0 - 2.0 miles east of Acequia.

8-9 miles N
1-2 mile E

Place of Use

Acequia

poas