

Comment Report

Application ID 73561

1. jstanton 5/8/2007 11:36:59 AM Special Administration Area Notes

Comment: Special Administration Areas : None

Exempt:

Reason:

Doc Attached:

Explanation:

2. jstanton 5/8/2007 11:37:50 AM Special Administration Area Notes

Comment: Special Administration Areas : None

Exempt:

Reason:

Doc Attached:

Explanation:

3. jstanton 5/8/2007 11:38:19 AM 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. jstanton 5/8/2007 Comment/Analysis

Comment: This application proposes to create a ppu covering presumably all of the irrigable land on this property. The property is operated as a hunting club for waterfowl, with irrigation of crops to attract birds for hunting.

Authority To File: The applicant is the owner of record of these rights, so this is not an issue. The application contains copies of deeds for all the tracts, as some are not covered by the existing rights. The applicant is registered with IDSOS as required. Shaw mentioned tha Fritz Haemmerle is no longer his attorney; Rob Williams now performs this function, so I will change the Water Right Owner data accordingly.

Water Right Validity: Way more than the allowed acreage was irrigated in 2004, so forfeiture for non-use does not appear to be an issue.

Injury To Other Rights: There is already an illegal expansion of these rights occurring, which would appear to constitute an injury to other water users on the same water source. Approving the transfer could lead to even greater injury by allowing this water to be used for an even greater period of time during the irrigation season.

Enlargement of Use: The two water rights allow 91 acres per year to be irrigated, but

Enlargement of Use: The two water rights allow 91 acres per year to be irrigated, but about 136 acres appeared to be irrigated in 2004. There were 3 pivot sprinklers and about 2 acres under gravity, but the gravity land was dry on the 2006 photo. The owners are still blatantly irrigating land in excess of their water rights, so I am inclined to recommend disallowal of the transfer; allowing an even-larger ppu could just add to the illegal usage.

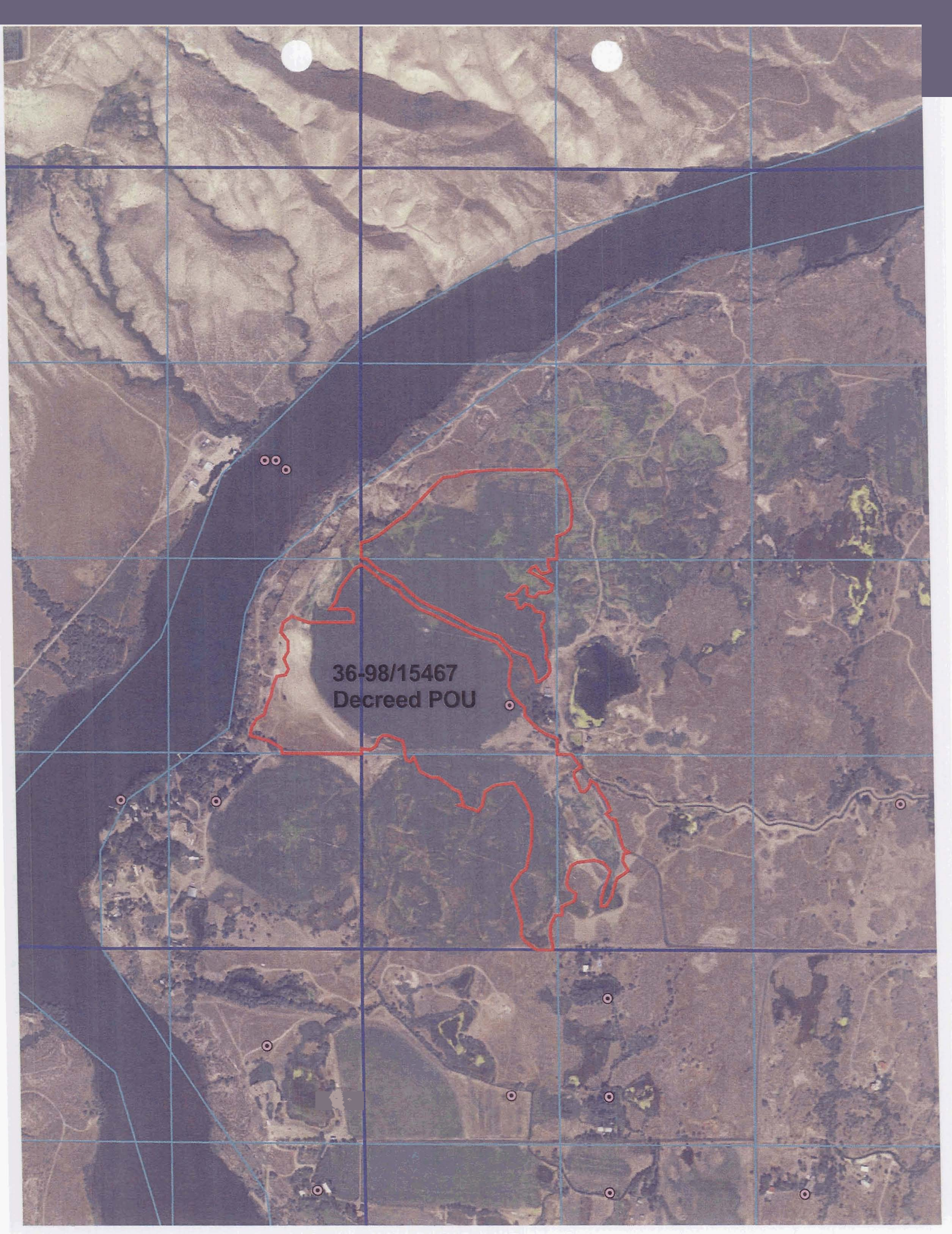
The applicant is John Shaw dba Hagerman Wings Farm; he is also the ditch rider on the Sands Ditch, so compliance with condions relating to illegal irrigation use on this property may be difficult to enforce.

On 5-24-07, I spoke with Mr. Shaw concerning his shares in the Big Bend Ditch. He said that he now has a certificate for 20 shares (0.40 cfs) that would be appurtenant to 20 acres under his south pivot. He is bringing the water to a pond on his land for pumping into the pivot. He is still in violation, but would be fully covered if both transfers and the BBD shares are available for his property.

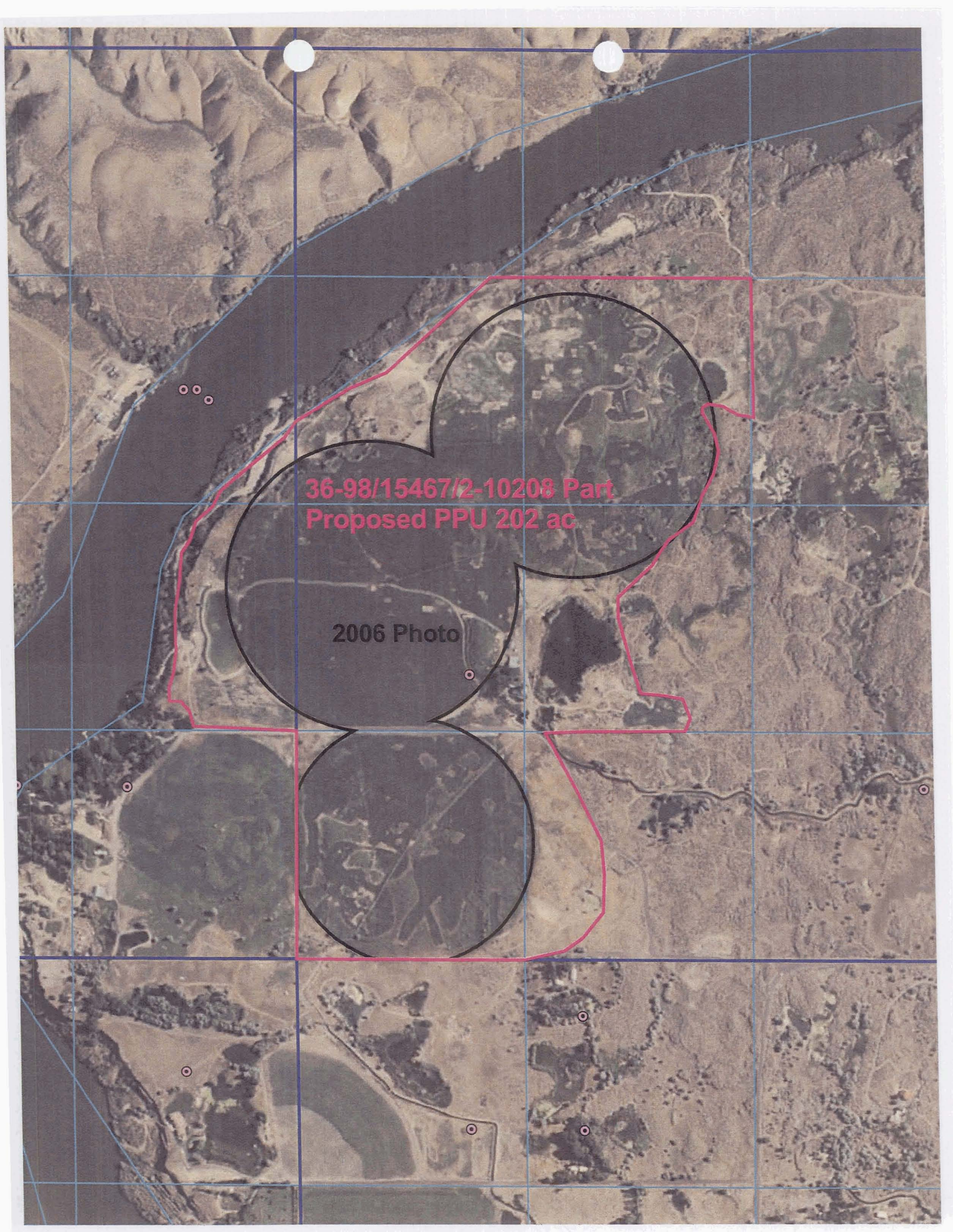
Local Public Interest: No issues identified.

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.

An aerial photograph of a landscape, likely a wetland or marsh area, overlaid with a blue grid. A red boundary line outlines a specific region in the center. The text "36-98/15467 Decreed POU" is printed within this red-outlined area. Several small white circles with black outlines are scattered across the map, some within the red boundary and some outside. The terrain is a mix of brown, tan, and green, suggesting different types of vegetation or water levels.

**36-98/15467
Decreed POU**



36-98/15467/2-10208 Part
Proposed PPU 202 ac

2006 Photo