

Comment Report

Application ID 72217

1. jstanton 8/22/2005 2:59:42 PM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: N

Reason:

Doc Attached:

Explanation:

Special Administration Areas : Magic Valley GW District

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 8/22/2005 3:17:49 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. jstanton 8/22/2005 Comment/Analysis

Comment: This application is the second of two that have been filed involving Right 36-16310. T72214 moves a portion of the right to a dairy to cover a proposed expansion of the dairy herd. Of the 264 acres originally irrigable on the farm, 199 acres will be left if both transfers are approved. This transfer then creates a ppu on the whole half section for maximum flexibility of water use. The applicant is trying to buy additional water to cover the rest of this farm, so creating the ppu now will minimize the effects on this right in the future. The transfer appears to be approvable with proper conditions.

Authority To File: Steve & Brent Whitesides own both parcels, although under different business names, so this should not be an issue. IDSOS records confirm that they are the partners for Whitesides Dairy and Mountain View Land.

Water Right Validity: WMIS records show continued usage of these rights, so forfeiture does not appear to be an issue.

Injury To Other Rights: There should be none as long as the conditions of approval are adhered to.

Enlargement of Use: None requested.

Local Public Interest: No issues identified.

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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.

4. jstanton 8/25/2005 Corrected App

Comment: Yesterday Jason of Brockways brought in corrected apps for T72214 & 72217. The applicants changed their minds about what they wanted to accomplish. Instead of swapping water rights between the farm and the dairy to get all 1950 water for the dairy, they are now just moving some 1950 water from the farm to the dairy to provide for expansion of the facility. So I asked Dave Grindle to remove the dairy rights from this transfer so that I can add them to the dairy transfer (72214), as this seems the easiest way to deal with this. The dairy/domestic rights will then go into the dairy transfer, as the pods and pous are already there. This will leave more 1950 water at the farm than was originally proposed.

A site visit & gps/arcview data shows the pod to be south of where it was decreed. It is so close to the north-south 40 line that it is hard to say exactly which 40 it is in. I discussed this with owner Steve Whitesides, and he agreed that the pod description needs to be changed; he wants to show it in the east 40, so that what I did.

5. jstanton 8/25/2005 Legal Notice Remarks

Comment: This application proposes to create a permissible place of use of all the land on this farm, with an annual irrigation limit of 199 acres. The other 65 allowable annual acres are being dried up in a companion transfer to provide water for a dairy expansion on other land owned by the applicants. The existing irrigation well will continue to be used on this property. The transfer will allow for maximum flexibility of water use on this farm.