

Comment Report

Application ID 71611

1. jroberts 4/7/2005 Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake River Plain Area (Moratorium Area)

Exempt: Y

Reason:

Doc Attached:

Explanation: Within Eastern Snake River Plain (Moratorium Area)

Special Administration Areas : Oakley Kenyon (Critical Groundwater Area)

Exempt: Y

Reason:

Doc Attached:

Explanation: Within Oakley Kenyon (Critical Groundwater Management Area)

Special Administration Areas : Trust Water Area (Trust Water Area)

Exempt: Y

Reason:

Doc Attached:

Explanation: Within Trust Water Area

2. jroberts 8/24/2005 Legal Notice Remarks

Comment: Transfer proposes changing the place of use for a feedlot with a stockwater right diverted from Land Creek. The place of use for the feedlot will increase.

Location of the feedlot is approximately 7 miles north and 2 miles east of Oakley.

3. jroberts 8/24/2005 Comment/Analysis

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

Date: August 24, 2005

To: Transfer 71611 File (Schenk Land & Cattle LP)

From: Jeanie Robertson

Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes changing the place of use on a stockwater right diverted from Land Creek for use on a feedlot. The size of the feedlot has doubled since 1987 and the commencement of the adjudication. This transfer seeks to increase and correctly identify the actual place of use.

identify the actual place of use.

- **Authority to File:**

IDWR records show the applicant as the current owner of the right involved with the transfer for property in Section 30. Tax records from 2004 were submitted to show the expansions in 1991 and 1997 onto new lands in Section 25.

- **Water Right Validity:**

The base right for the transfer is a recently decreed right in the SRBA.

- **Injury to Other Water Rights:**

Possible injury was considered with the approval of this transfer because the place of use of the feedlot for this right has essentially doubled in size. The water right was a decreed surface right with no volume limitation. (Surface water rights were not recommended with a volume in the SRBA.) Requests were written to the owner asking for additional information to prove the right had not been enlarged. Since there was no volume limitation, a volume was calculated based on cow numbers and weights provided by the applicant.

- **Enlargement of Use:**

Enlargement was definitely considered while reviewing this transfer. Several letters were written to the applicant requesting additional information to show enlargement of the right had not occurred. He responded with information that measurement of inflow and outflow from the stockwater pond showed the diversion rate was in the 0.5 to 0.6 cfs range allowed under the right. Calculations were made based on cattle numbers and weights to add a volume limitation so any further or future enlargement would be prevented.

- **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.