

Comment Report

Application ID 71435

1. jstanton 9/9/2004 8:41:33 AM Special Administration Area Notes

Comment: Special Administration Areas : None

Exempt:

Reason:

Doc Attached:

Explanation:

2. jstanton 9/9/2004 8:48:47 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

3. jstanton 9/9/2004 Comment/Analysis

Comment: This application was filed mainly to add some water and land to the Clear Lake Country Club due to their purchase some years ago from the Clear Lake Ranch. But the way these rights were decreed was totally ridiculous. I was told by Steve Clelland that the decree findings were done by the SRBA Court, not by use. What they did was to decree water to the Ranch on land that belonged to the Country Club. And the only way they could have come up with as many acres as they did was to include waste land along the Snake River that was never irrigated, and never will be irrigated. So the transfer also clarifies what land is really irrigated with the rights of each party. To get the small parcel of land on the east side of this property that they want to put under irrigation, they had to also take the waste land along the river. But since the existing rights of CLCC are for less than 1"/acre, I just put the extra water on the rest of their irrigated land. I worked closely with their representative in preparing the application, and my work was approved by their governing board before being officially filed.

Authority To File: The applicant has provided a deed from Clear Lakes Ranch showing their purchase of the water. A separate document will be needed to cover the land purchase.

Water Right Validity: These rights were decreed in 2001 and 2002, so forfeiture is not an issue.

Injury To Other Rights: No issues identified.

Enlargement of Use: None requested. The transfer actually reduces the number of decreed acres down to what is actually irrigated. CLCC bought 40% of the flow rate from 36-4184A, so I showed this as appurtenant to 40% of the decreed acres for lack of a better idea. They actually only gain a few acres of irrigation on the east side of the

of a better idea. They actually only gain a few acres of irrigation on the east side of the property. Per instructions of S. O. and agreement of the parties, I have added the Clear Lake Ranch as an applicant and have obtained their signature.

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.

4. jstanton 9/9/2004 Legal Notice Remarks

Comment: This application proposes to legally change the place of use of 30 inches of surface water purchased by the applicant in 1998. A small amount of new land on the east end of the golf course will be put under irrigation, and the rest of the irrigated land will be described as it presently exists. The place of use is the Clear Lakes Country Club property 3 1/2 miles west and 7 miles south of the Wendell city center.