

Comment Report

Application ID 70848

1. jstanton 10/3/2003 1:40:21 PM Special Administration Area Notes

Comment: Special Administration Areas : None

Exempt:

Reason:

Doc Attached:

Explanation:

2. jstanton 10/3/2003 1:40:45 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 10/3/2003 Comment/Analysis

Comment: This farm is served by the same irrigation system as the Willow Creek Enterprises farm just to the north, with 2 of the wells being on the Walker property and the 3rd well being on the Willow Creek (Gibby) place. Gibby farms all the ground, as Walker is an absentee owner living in Utah. This transfer legally ties all 3 wells together under the Walker water rights, and dries up some Walker land to provide water for a new pivot in Sec. 21 & 22 (which is owned by Gibby). T. 70844 does the same thing with the Willow Creek rights. The owners chose to keep their water rights separate by filing separate transfers, even though this is an obvious ppu. Between the illogical property boundary between these two farms, and the installation of pivot sprinklers (which do not follow the property lines), it is impossible to realistically describe how the land is irrigated in 2 separate transfers. But since the owners seem to be satisfied with this arrangement, it is probably not something that IDWR should be concerned about. The numbers come out ok on paper, so that is probably sufficient. The application, filed by Brockway Engineering, had fractions of acres in many of the tracts; per data-entry standards, I rounded the acres to the nearest whole acre for tracts containing 10 acres or more. Some adjustments were made so that the total acres entered were the same as shown on the application. The transfer appears to be approvable.

Authority To File: The application was originally filed in the name of Leon Walker, co-owner of these rights along with his wife. He has since died, and a family trust has been created with his wife and children. I have changed the applicant to the trust per the trust certificate that they have supplied. While this changes the legal owner of the rights, they will remain in the Walker family. This appears to be in order, although I do not have an actual death certificate for Mr. Walker. The well-sharing agreement does mention the estate of Mr. Walker, however.

Water Right Validity: These rights were recently decreed in the SRBA, so forfeiture is

Water Right Validity: These rights were recently decreed in the SRBA, so forfeiture is not an issue.

Injury To Other Rights: No issues identified. Jeff Peppersack stated that no mitigation analysis is needed due to the location of the property near the south edge of the grid. No analysis was required for the related transfer.

Enlargement of Use: No issues identified.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: Water is applied through sprinklers for maximum efficiency of use.

Review of the application

4. jstanton 10/3/2003 Legal Notice Remarks

Comment: This application proposes to add a 3rd existing well on an adjacent farm to the 2 existing wells on the Walker farm, and to dry up some pivot corners to provide water for a new pivot to be installed 1/2 mile north of the Walker property. The farm is located miles north and a little west of the Horse Butte rest stop on Hwy. I-84, which is miles north and miles west of Malta, Idaho.

