

Comment Report

Application ID 71669

1. jstanton 1/6/2005 9:43:34 AM Special Administration Area Notes

Comment: Special Administration Areas : Raft River CGWA

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 1/6/2005 9:44:37 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 1/6/2005 Comment/Analysis

Comment: This application proposes to add a point of diversion to 3 water rights due to pumping problems with the existing well. The existing well will be abandoned if the new well produces enough water, but is being left as an authorized pod for now (it does produce some water, so could still be used if needed). Also, the irrigation system on this property is being expanded and re-configured; pivot corners are being dried up on another farm so that water can be moved to this property to cover the expansion. The transfer appears to be approvable with standard conditions.

Authority To File: Hal Anderson owns the east farm, but is selling it to the son of Peter Grush. The son is buying all of the land, which already has 2 over-sized pivots on it. The son cannot afford to buy all of the water rights, however, so Anderson is withholding the water that is appurtenant to the corners in order to sell it to Mr. Grush. Grush has paid Anderson for this water, and the rights have been released to Grush.

The proposed ppu is owned by Barbara Gardiner, and will be for another 9 or 10 years. She is included as a co-applicant, and has signed the application. Grush wants to keep the water rights in his name until he owns both.

While all of this makes for an unusual ownership situation, I have no reason to think that anything illegal is going on. Mr. Grush is just developing his agricultural empire as his financial situation allows.

Water Right Validity: These rights have recently been decreed in the SRBA, so this is not an issue.

Injury To Other Rights: No issues identified. All this property is in the same cgwa.

Enlargement of Use: None requested.

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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 1/6/2005 Legal Notice Remarks

Comment: This transfer proposes to dry up pivot corners on the Hal Anderson property and move the water rights to the Gardiner property so that more land can be irrigated there. Mr. Grush leases the Gardiner property, and is in the process of buying the water rights being transferred from Mr. Anderson. The Gardiner well is located 4 1/2 miles south and 3/4 mile east of the Hwy. 77/81 junction at Malta.

