

Comment Report

Application ID 71355

1. jroberts 9/16/2004 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

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

Exempt: Y

Reason:

Doc Attached:

Explanation: Within Trust Water Area

2. jroberts 9/16/2004 Legal Notice Remarks

Comment: Transfer proposes to drill a new well and add a second point of diversion, change the place of use, and change ownership to Western Farm Service. Location is approximately 3 1/4 miles south and 1 3/4 miles west of Burley.

✓ 3. jroberts 9/23/2004 Comment/Analysis

Comment: Transfer 71355 proposes drilling a second well, adding a second point of diversion, and increasing the place of use for this commercial right. Approval will also result in an ownership change from Pure Gro Co to Western Farm Service Inc. The second well will give them greater flexibility of their water and the place of use will more accurately reflect their operations now, after having acquired additional property. The points of diversion are located in the ESPA so appropriate conditions will be needed and measuring devices required. The existing well and the proposed new well are located within the same cell (04,23) in the ESPA model, so no mitigation is required.

· Authority to File:

Applicants have provided tax receipts for 2002 to show ownership for two of the parcels involved and a Closing Statement and Purchase and Sale Agreement, with an attached legal description, for the parcel they purchased from Melvin and Enetta Call. There are no liens against the property so they did not need a lien holder release. Randy Orgill signed the application and he is listed as a Director on the Secretary of State Home Page for Business Entities under Western Farm Service Inc.

· Water Right Validity:

Right is based on a License.

- Injury to Other Water Rights:
None anticipated.

- Enlargement of Use:
None, if appropriate conditions and limits are implemented.

- Local Public Interest:
No negative impacts anticipated.

- Beneficial Use/Conservation of Water Resources:
Proposed use is recognized as beneficial use of water as a commercial right for an agriculture fertilizer and chemical plant.

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.