

Comment Report

Application ID 71422

1. jstanton 8/2/2004 4:03:42 PM Special Administration Area Notes

Comment: Special Administration Areas : North Snake GW District

Exempt: N

Reason:

Doc Attached:

Explanation:

Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 8/2/2004 4:04:30 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 8/3/2004 Comment/Analysis

Comment: This transfer proposes to change the pou due to the installation of pivots on two adjacent farms served by a single well. The proposed pou for this transfer covers portions of several pivots on the south farm. A companion transfer (71437) covers the other portions of the pivots on the north farm. I disagree with this, as this is clearly a ppu; all the acres and all 3 rights should be included in a single transfer. But the applicant chose to do 2 separate transfers; Jeff Rau of Brockway Engineering could not give me a good explanation of why. S. O. has agreed to this, however, so I am processing the transfers as filed. The rights were recently decreed, so I do not plan to do a site visit at this time. The transfer appears to be approvable.

There is a question on the correct annual volume for these 2 rights. The standard for this area is 4.0 afa/acre, but the decrees allowed only 3.5 afa. Rau said he remembered that the license was issued for the lesser volume. I am sticking with the decreed amounts at this time, as the objection period for SRBA findings has passed. There is also an error on the volume decreed for each right, as the low diversion rates and short period of use (199 days) do not allow the full 462 afa to be diverted. So I have changed the volumes to reflect the maximum that each right could produce if pumped continuously. The total remains the same, however.

Authority To File: The applicant is the right holder of record, so this is not an issue. The application was signed by Robert Shillington, partner & authroized agent for Notch Butte Farms according to their IDSOS registration.

Butte Farms according to their IDSOS registration.

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

Injury To Other Rights: No issues identified. The number of irrigated acres remains the same, and the same pod will be used as originally decreed.

Enlargement Of Use: None requested.

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 issues have been identified that would require further review or submittal of additional data by the applicant (except for the lienholder letter).

4. jstanton 8/3/2004 Legal Notice Remarks

Comment: This application proposes to change the place of use slightly due to the installation of pivot sprinklers on 2 adjacent farms. This transfer covers the number of acres allowed for this farm, and a companion transfer covers the number of acres allowed on the other farm. The same will continue to provide water for this property. The well is located about 5 1/4 miles south of the Shoshone city center and about 2 3/4 miles west of Hwy. 93.