

Revised

Comment Report

Application ID 71186

1. jroberts 10/14/2004 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 (Moratorium Area)

Special Administration Areas : Trust Water Area (Trust Water Area)
Exempt: Y
Reason:
Doc Attached:
Explanation: Within Trust Water Area

2. jroberts 10/14/2004 Legal Notice Remarks
Comment: Transfer changes the point of diversion to a well located on applicants property. Location is approximately 3 & 1/4 miles south and 3 & 3/4 miles east of Burley.

3. jroberts 10/15/2004 Comment/Analysis
Comment: M E M O R A N D U M

Date: October 15, 2004
To: Transfer 71186 File

From: Jeanie Robertson

Re: Evaluation of Sufficiency of Information Submitted

Transfer 71186 changes the point of diversion to a well on the applicants property. License 45-7353 was for 6 acres with a well in the SENE of Section 13, T11S, R23E. The six acres were later split into three parcels. The licensed pod was on the middle parcel, which was claimed as part A. The applicant owns the northern most parcel and stated during claims-taking that he had sold the other parcels and had drilled a well on his parcel in 1988. Vikie Hancock recommended both rights (A & B) with the same pod (NWSENE Section 13) because the change happened after the commencement of the adjudication and notified the claimant/applicant that a transfer would be needed to recognize his point of diversion. This transfer recognizes the well on the applicants property. (Both wells end up with the same 10-acre description of NWSENE Section

property. (Both wells end up with the same 10-acre description of NWSENE Section 13.) It appears that the applicant paid for a domestic well permit when he drilled this well. I have notified the ground water section and John Frietag will solicit the extra fee required to recognize this as an irrigation well.

- Authority to File:

Applicant has provided tax receipts for 2003 to show ownership of the property. He has also provided a letter from D. L. Evans Bank, the mortgage holder, agreeing to the transfer.

- Water Right Validity:

Right has been Recommended in the SRBA by Vikie Hancock.

- Injury to Other Water Rights:

Both the old and new wells are in the ESPA but in the same cell location (04,25), so no mitigation is required.

- Enlargement of Use:

None.

- Local Public Interest:

No negative impacts anticipated.

- Beneficial Use/Conservation of Water Resources:

Proposed use is recognized as beneficial use of water and sprinklers are used for irrigation.

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.