

Comment Report

Application ID 70695

1. jstanton 7/18/2003 4:04:51 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

2. jstanton 7/18/2003 Comment/Analysis

Comment: Yesterday I visited the subject property accompanied by Peter Sturdivant and Chuck Brockway Jr. We discussed how the proposed (actually existing) system works, as this was not clear in the application. The westerly of the 3 diversions on Billingsley Creek splits, and can deliver water either north to the first fish pond and raceways, or west and south to several fish propagation/settling ponds via a 10" pipeline. Brockway estimated the pipeline capacity at 2-3 cfs depending on water velocity, but the transfer does not propose to split the water right in order to retain the flexibility of running the water either direction as needed. Sturdivant is the last user on Billingsley Creek before it enters the Snake River, so suffers greatly during dry years; the decreed flow is not available during the summer in sufficient quantity/quality to allow year-around fish production. Additional production facilities could be built, but this is not feasible without a better water supply. Some of the ponds can be used for production, and some are mainly for water-quality improvement as required by EPA; all are described as fish propagation, however, as any pond could be converted to either use. The 20 cfs in these rights is also decreed under 36-7314A, which is used on the Talbot property to the east before dumping back into Billingsley Creek above the Sturdivant diversions; approval of this transfer will not affect that right.

Authority To File: The applicant is the current owner of 7314B in our records. 36-7314C is owned by Peter Sturdivant, who is the son-in-law of E. Perry Thomas. Mr. Thomas is the principal agent of River Grove Inc.

Water Right Validity: This right was recently decreed in the SRBA, so forfeiture is not an issue.

Injury To Other Rights: None anticipated.

Enlargement of Use: No issues identified. The total pond/raceway area will not exceed what was decreed.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: Mr. Sturdivant told me that the water leaving his property is cleaner than what comes in, so this facility is beneficial to downstream users from this point of view.

Review of the application finds that there is no clear inconsistency with criteria set forth

Review of the application finds that there is no clear inconsistency with criteria set forth in Sec. 42-222 I. C. preventing processing of this application. At least prior to advertising, no other issues have been identified that would require further review or submittal of additional data by the applicant.

3. jstanton 5/24/2004 Legal Notice Remarks

Comment: This application proposes to change the place of use for an existing fish-propagation facility. Portions of the original facility were destroyed and replaced with other ponds in other parts of the property. The re-designed facility does not exceed the volume of the original system. The B portion of this water right used to run directly from the Talbot fish ponds into the River Grove ponds, but now runs back into Billingsley Creek before being re-diverted through 2 headgates on the River Grover property (the C portion was already diverted this way. This is the last fish-propagation facility on Billingsley Creek, and the points of re-diversion are about 1/3 mile above the creek mouth.