

Comment Report

Application ID 73745

1. jstanton 10/16/2008 11:04:01 AM Special Administration Area Notes

Comment: Special Administration Areas : Raft River Critical GW Area

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 10/16/2008 11:04:19 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 10/16/2008 Comment/Analysis

Comment: This application proposes to tie 4 existing farms together under a common irrigation system. This transfer was filed in February of 2007, along with a cafo transfer, and has been held until the cafo transfer was approved. The correct right numbers are now available from the cafo transfer, so I have resumed processing of the irrigation transfer. The transfer should be approvable with proper conditions.

Authority To File: The applicant is the owner of record for all these water rights, so this is not an issue.

Water Right Validity: These rights were decreed in June of 2002, so this is an issue. Review of 2003, 2004 and 2006 aerial photos shows that only two pivot corners in Sec. 6 have been irrigated since the decrees were issue, so forfeiture of the non-pivot ground appears to have occurred. Following our current policy, I am recommending that the expansion rights on these farms be reduced according to what is currently allowed on each farm. Expansion acres in this area have no annual volume, so the system volume will not be reduced. The other 3 farms will continue to have expansion acres that may be subject to future curtailment.

The old Calder place (W1/2 Sec. 22) consists of 2 separate parcels that were combined in the SRBA. I started with the land under each set of claims (the 2 licenses on 1 part, and the 2 beneficial-use claims on the other), starting with the beneficial-use claims (which have the earlier priority dates). I reduced the pou under each parcel based on what was decreed and what is now irrigated, as 44 acres have been forfeited for non-use on this farm according to my review of ArcMap data. Conditions and limits have been updated accordingly. This farm has no expansion rights, so total cfs, afa and acres have been reduced.

With regard to the former Hunsaker property (2692 acre ppu), this consists of 2

With regard to the former Hunsaker property (2692 acre ppu), this consists of 2 separate parcels that were tied together in a previous transfer. Each set of rights was evaluated separately to determine forfeiture. The 43-2317C group has 32 acres of forfeiture under Expansion Right 43-10019 (616 acres), so only this right will be affected by forfeiture; both the acres and flow rate will be reduced proportionally. With the other group of rights (43-13448, etc), the expansion right (43-10563) is not big enough to cover the forfeiture of 218 acres. This right will be totally forfeiture, plus the next 2 latest-priority rights will be reduced as needed to deal with the forfeiture. The total diversion rates for each group will remain unchanged, as they are under 0.02 cfs/ac.

Injury To Other Rights: If you assume that unmitigated expansion acres cause injury to other area water users, reducing the number of such acres irrigated should actually benefit other users. Just tying existing wells together is not presumed to cause injury.

Enlargement of Use: None requested. This land has been under pivot sprinklers for many years. A lot of the pivots used to have end guns that added perhaps 3 acres in each corner, but these were removed by at least 2003. Some acres have been shifted around a bit from what was decreed, but there will be little actual change to the current farm land under this transfer.

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.