

MEMORANDUM

Date: March 19, 2010
To: Transfer 76355
From: jstanton
Re: Comment/Analysis

This application proposes to dry up 1 acre of land to mitigate for the approval of App For Permit 36-16828, which covers 0.4 acre feet of storage in 2 existing ponds located just north of the Buckeye Ditch. The transfer covers direct flow to the ponds, and also other uses or periods of use not covered by the app for permit. The transfer was generated per discussions with S. O., and should be processed along with the app for permit so both can (presumably) approved together.

The pou shape in ArcMap does not agree with the actual pou, so I have updated it based on information from an employee of Mr. Stone. While the pou now appears to go into another 40, Allen and Doug have agreed that this is probably due to rectification issues. The county taxlot data shows the 40 line as being the property line, so it would probably just confuse things to show acres in the other tract (NW/NW Sec. 23).

Lienholder Letter Required: No

Received Date: N/A

Parallel Processing Required: No

Advertising Required: Yes

Authority To File: Mr. Stone is the right holder of record, and the transfer adds his wife as co-owner; both have signed the application as required.

Water Right Validity: The right was decreed in 2000, so forfeiture must be considered. I have reviewed all the available photos, but have not been able to clearly determine whether or not partial forfeiture should be recommended due to the poor quality of some of the photos. So I must recommend that the transfer be approved as filed unless better photos become available.

Injury To Other Rights: Although the ponds being mitigated for only cover about 0.2 acres, the transfer dried up a full acre. This should be sufficient to mitigate for any water loss in the ponds.

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 other issues have been identified that would require further review or submittal of additional data by the applicant.

MEMORANDUM

Date: March 19, 2010
To: Transfer 76355
From: jstanton
Re: Legal Notice Remarks

This application proposes to dry up 1 acre of land to mitigate for the approval of Application For Permit 36-16828, which covers storage for stockwater and recreation during the non-irrigation season in 2 existing ponds located just north of the Buckeye Ditch on the Stone property and just west of the Hagerman sewage-disposal ponds. 1.5 inches of the 10 inches of 1884 Billingsley Creek water owned by the applicants could be diverted into the ponds during the irrigation season only to keep them full.