

Comment Report

Application ID 75102

1. jstanton 12/17/2008 11:26:27 AM Special Administration Area Notes

Comment: Special Administration Areas : Big Wood River GWMA

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 12/17/2008 11:46:22 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 12/17/2008 Comment/Analysis

Comment: This application proposes to move a groundwater right from the east side of Bellevue to land west of Bellevue at the mouth of a small tributary canyon, co-mingling it with a surface right already on the property. A ppu would be created to cover all land owned by the applicant (known as Lot 3D of Townsend Ranch Sub). Most of the proposed ppu is a steep hillside above the existing home, so most of it will probably remain dry except for some land near the home being watered for fire protection. The application included 0.01 ac in the SE/SE Sec. 2, but I have left this out of my data entry per Pam Skaggs.

I have held this application pending review of T75103 by S. O., as the proposed well for this app will be drilled under the Christensen transfer on his land. If both apps are approved, Ms. Haugh will tap into the Christensen well instead of drilling her own well. S. O. has approved advertising for his transfer, so I am now proceeding with review of the Haugh transfer. I will be requesting parallel processing of this transfer also, as there are several issues to be resolved.

While the app lists 2 pods for the surface right, the one recommended is the correct one. The pod is in a different physical location on the property from what is recommended in the SRBA, so I am taking this opportunity to show the correct location in ArcMap. Zach at Brockways has confirmed the system configuration, and the pod shows up pretty well in a recent aerial photo. The recommended point is not even on the stream.

Advertising Required: Yes.

Authority To File: Although the SRBA claim on the gw right is in the name of Robert Head, he sold this right to Lignos/Dawson in 2004 contingent upon approval of a water transfer; no transfer was filed at that time, however. In 2007, they executed a sale

transfer; no transfer was filed at that time, however. In 2007, they executed a sale agreement for all of this right to Christie Haugh (also contingent upon transfer approval by IDWR). The land at the current pou (Maple Ridge Sub, 23 lots) (formerly described as Parcel A of Pine View Sub., 10.83 ac in county records) is not owned by the seller; most of these lots are developed and served by city water, according to county assessor. The total recommended pou covers 14.1 acres according to ArcMap (roads are not part of the recommended pou); it covers both the Pine View and Maple Ridge Subs, but this is not correct according to deeds just supplied by Brockway Engineering. These deeds from Derris Head to Robert Head tie the 8 inches of the groundwater right to the Maple Ridge Sub only, which appears to be the intention of T4650 (transfer approved in 1995, deeds dated 2004). Authority to file is a definite concern.

Water Right Validity: The 1987 ArcMap photo shows no irrigation on the recommended pou, except for a small area around the only home on the property at that time. An irrigation ditch did run through the property just west and south of the home, but there is no evidence that water was taken out of the ditch for irrigation. In 1995, a transfer was approved changing the source of this right to ground water, and designating a pod on the property. There is evidence that a well was drilled, but it is not clear if it was ever put to use. Bob Head got clear title to land & water in May of 2004, but in September of 2004 he just sold the water right; the land has since been sold to other parties. Right is protected from forfeiture under SRBA rules.

Injury To Other Rights: The moving of the gw right from one side of the Wood River Valley to the other could negatively impact local surface diversions and possibly other groundwater diversions in Townsend Gulch. It might take a favorable engineering study to show that there would be no impact. The applicant has already hired Brockways to file the transfer, so requiring such a study should not be a problem. Brockways have said that the new well will pump from the shallow alluvial Big Wood River aquifer, not the Townsend Gulch aquifer.

Enlargement of Use: As previously stated, this right has been sold and re-sold by speculators. It does not appear that any actual use is being given up to move this water to new land, so enlargement is a definite concern.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified.

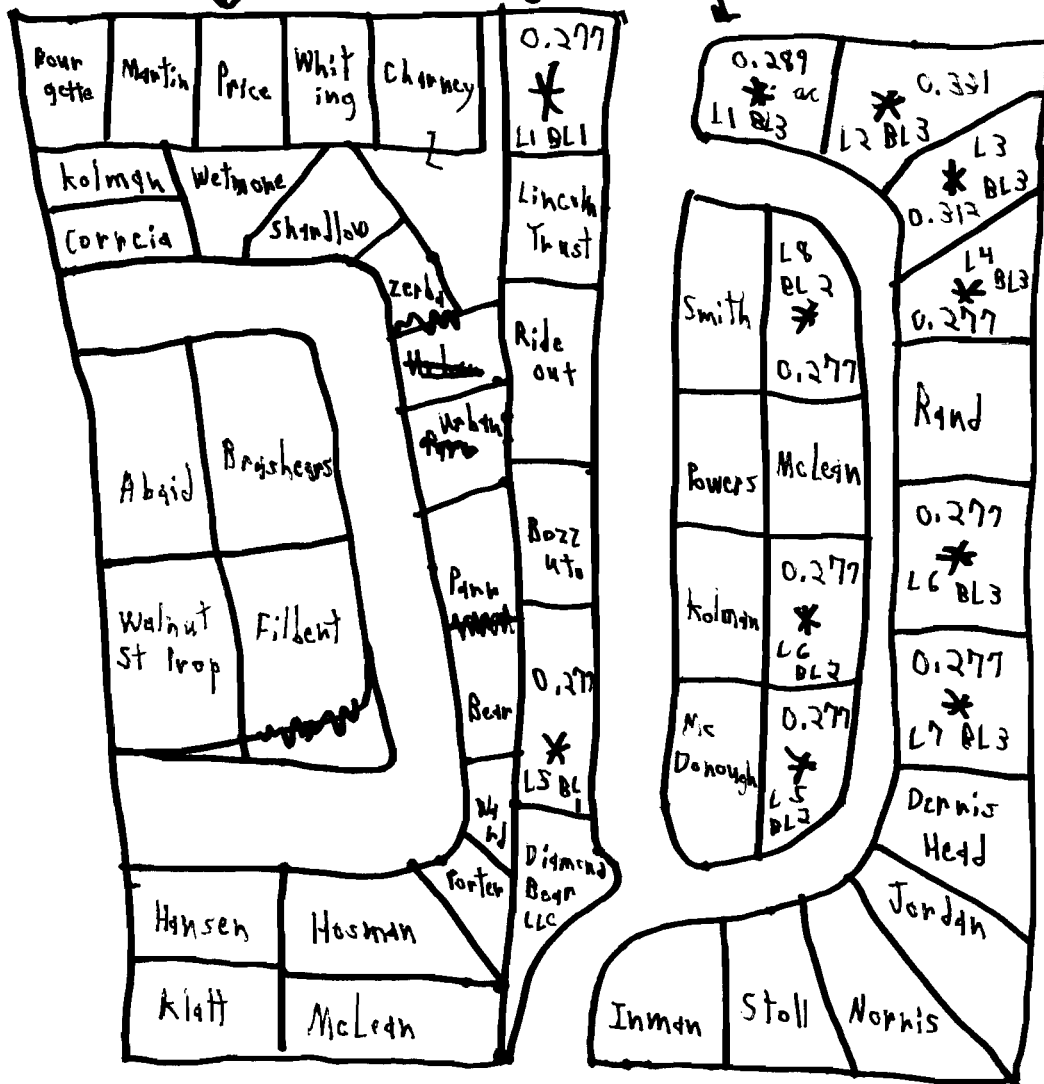
Review of the application finds that there is no clear inconsistency with criteria set forth in Sec. 42-222 I. C. preventing processing. At least prior to advertising, no other issues have been identified that would require further review or submittal of additional data by the applicant.

4. jstanton 6/1/2009 Legal Notice Remarks

Comment: This application proposes to move an existing groundwater right from the east side of Bellevue to land west of Bellevue in Townsend Gulch. A new well will be drilled near the mouth of Townsend Gulch on the Christensen property under another transfer, and will be piped upstream to the adjoining Haugh property for irrigation there. Groundwater will be co-mingled with water from Townsend Gulch already owned by the applicant for maximum efficiency of water use. The new well will be drilled about 3/4 mile SW of the intersection of Hwy. 75 and the Gannet-Picabo Rd.

Maple Ridge Sub

Pine View Sub



By J. F. Stanton 12-17-08

* Land owned by Robert Head

