

Comment Report

Application ID 75421

1. jstanton 3/31/2009 8:22:25 AM Special Administration Area Notes

Comment: Special Administration Areas : Raft River CGWA

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 3/31/2009 8:22:57 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 3/31/2009 Comment/Analysis

Comment: This application proposes to dry up land outside of pivots so that a new pivot can be installed just south of the decreed pou. Some of these changes have already occurred, but the new pivot has not yet been installed. Both water sources are co-mingled on most of the farm already, although a small field can be irrigated just with surface water. The transfer appears to be approvable with standard conditions.

Parallel Processing Required: YES. I think I made an error in the application and in the proposed conditions due to the weird cross limits between the two water sources (Cassia Creek and groundwater). I think I have figured out the correct numbers, but would like to have S. O. do their own review of the app as filed so I can verify my new numbers before proceeding with a corrected application. By just marking all the decreed acres on blank plat map, I got a total of 396 acres, not 366 as I originally found.

Advertising Required: YES, due to installation of new pivot in critical gw area.

Authority To File: Mr. Gardiner is the owner of record for these rights, and has provided a tax notice showing his ownership of the land for the new pivot. The transfer also adds Mrs. Gardiner as an owner, and she has provided a copy of their marriage license. This does not appear to be an issue.

Water Right Validity: The rights were decreed more than 5 years ago, so this could be an issue. They actually filed this application a year ago, but my initial review found partial forfeiture. I explained this to them, and they decided to put the land back into irrigation for the 2008 season under the resumption-of-use concept. The original application was withdrawn, and refiled last month. The applicants told me that they did farm the questionable land last year, and I have no reason to doubt their word. So forfeiture does not appear to be an issue at this time.

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Injury To Other Rights: There should be none with proper conditions.

Enlargement of Use: The proposed ppu has 6 more acres than the annual acre limit, so it will be up to the applicants to decide which land not to irrigate. This should be easy to do based on their system configuration, so I do not see this as an issue.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified. Most of the water on this farm is applied through sprinklers for maximum efficiency of water use.

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 6/12/2009 Error Correction

Comment: Initial review and parallel processing of this transfer revealed a mistake in the total number of irrigable acres. By platting out the allowed acres on a grid map, I found that the total should be 396 instead of 366 as currently allowed. Whether this is an SRBA mistake or something from a previous transfer, I am not sure. But it appears clear that the applicants are entitled to the additional 30 acres.

The application as filed covers 372 acres, so they could add 24 acres to the existing land list. The came into my office yesterday, and told me that they decided to add back in the 2 large corners north of their main pivot; the new pivot on the south end of the farm will remain as originally proposed. I modified the shape file, and found that the 2 corners covered just over 24 acres. So I am recommending approval with the additional ground, and I have updated proposed conditions accordingly. I am chalking this up to error correction on our part, not as a change in intent on the applicants part, so I have not prepared a corrected application for their signature. The original application only dried up those corners because I thought it was necessary to have enough land for the new pivot.

Another issue that came up in all this is the total diversion rate. I originally determined that they had 9.08 cfs, but this was incorrect. Each separate right was decreed at 0.02 cfs per acre or less, so the total can only be 7.92 cfs. So we should actually owe them \$80 in excess filing fee; once we agree that the file is ready for advertising, I will contact fiscal for a refund.

5. jstanton 6/12/2009 Legal Notice Remarks

Comment: This application proposes to tie all the existing Cassia Creek and groundwater rights on this farm together in a single irrigation system. Some land will

groundwater rights on this farm together in a single irrigation system. Some land will be dried up so a new pivot can be installed on the south end of the farm. The existing wells and river headgate will continue to be used; no new wells will be drilled. The farm is located 2-3 miles south of the Hwy 77/81 junction at Malta on both sides of Hwy 81.



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T75421 Gardiner
Corrected

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