

AMENDED Comment Report

Application ID 75420

1. jstanton 4/14/2009 4:32:39 PM Special Administration Area Notes

Comment: Special Administration Areas : None

Exempt:

Reason:

Doc Attached:

Explanation:

2. jstanton 4/14/2009 4:33:10 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

3. jstanton 4/14/2009 Comment/Analysis

Comment: This application proposes to dry up 1/3 of an acre on one parcel so the same amount of land can be irrigated with surface water just upstream from the current place of use. The pod will remain the same. This appears to be a reasonable request that will benefit both parties without harming anyone else. Overall water use on the Kiser property should remain the same, as surface water will replace use of ground water for irrigation. The water right involved is for about 3.5 inches per acre, so the appurtenant rate for 1/3 of an acre is about 1 inch; the applicant can easily put in a diversion system that will use this amount, which could be monitored if needed.

Parallel Processing Required: No.

Advertising Required: Yes due to possible affects on other ditch users.

Authority To File: The applicant has provided a deed showing their ownership of their property, and has also provided a statement signed by the current owner of the surface right conveying 1 inch of this water to the applicants. This does not appear to be an issue.

Water Right Validity: This right was decreed more than 5 years ago, so forfeiture could be an issue. But recent ArcMap photos appear to show the land being dried up as irrigated, so forfeiture does not appear to be an issue.

Injury To Other Rights: The person selling this right is the last user on the Bell Ditch, so the proposed change should not affect other users on this system. This does not appear to be an issue.

Enlargement of Use: None requested. The seller wants to stop irrigating the highly-erodible land along the Bell Ditch, so this arrangement should work out for both

highly-erodable land along the Bell Ditch, so this arrangement should work out for both parties.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified. The water being transferred will be pumped into 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 4/21/2009 Legal Notice Remarks

Comment: This application proposes to move 1 inch of water from the Gossi property near the end of the John Bell Ditch to the Kiser property 1/4 mile up the Ditch so that the applicants can stop irrigating with their domestic well. Irrigation use on the Gossi property will be reduced accordingly. The applicants will pump from the Ditch into sprinklers. The proposed place of use is located on the east side of Hwy. 30 about 7/16 of a mile north of the turnoff to the Justice Grade.

5. jstanton 6/18/2009 Site Visit

Comment: Today I visited the Gossi property in order to answer questions on ownership, current place of use, and what land could be dried up to provide water for the Kiser property. I did not visit the Kiser place. The Gossi land is the north end of a point of land that runs along the east side of Hwy. 30 about 2 miles north of Hagerman. The land is flat along the south boundary where the irrigation water comes in, but drops off sharply on the other 3 sides. The surface water enters the property at a concrete box near the SE corner after being piped under a grape orchard on the neighboring property to the south. The box is on the high point of the Gossi property, as water flows via gravity from this point to water pasture. All the ground is watered with ditches except for a pump that feeds sprinklers for the lawn.

I found numerous errors in the pou shape. It leaves out land, such as the lawn, that is watered. It also includes bottom land that is a pond, and includes land south of the Gossi property that he has not owned in the 28 years he has lived here. It also includes land on the east side that he does not own or is not irrigated. I have created a corrected shape that will show the correct pou (6.9 acres) after the transfer is approved. I question whether 10 acres were ever irrigated on this property, as there just does not appear to be that much land available. Over an acre was lost when the highway was straightened, but this occurred before 1987; the taxlot data still shows that land as part of this parcel, but that is obviously wrong.

There is some land around the margins of the property that appears to have been irrigated in 1987. Mr. Gossi wants to withhold water from some steep spots around the

irrigated in 1987. Mr. Gossi wants to withhold water from some steep spots around the edge of the hill in order to prevent erosion, and has built ditches to keep water off of these areas. There may or may not be enough of this erodible land to satisfy the proposed transfer, but Allen feels that our best option is to approve the transfer so that we have the authority to reduce the Gossi water right to reflect the 6.9 acres that he currently irrigates. We can "fix" the ArcMap shape of the Gossi place to reflect current reality outside the transfer process, but this would still leave the water right showing 10 acres. Based on my discussion with Allen, I will move the transfer toward approval.



Gossi

Out

T75420

Kiser



