

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-erodible 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.