

Comment Report

Application ID 75408

1. jstanton 3/5/2009 8:29:24 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

2. jstanton 3/5/2009 Comment/Analysis

Comment: This application proposes to change the pou to resolve a BLM objection to the SRBA recommendation. The transfer keeps all of the water right on private land owned by the applicants. Two pivots were added to the lower part of this farm a few years ago, so the application describes how that part of the property is currently irrigated. This water runs into a holding pond near the center of the farm, and is pumped from there into sprinklers. There is no change in the pod at this time, so presumably the land above the pond will be watered in the same manner rather than gravity irrigated. The transfer should be approvable with standard conditions, and advertising is probably not needed. Michael Ciscell is handling the recommendation/status conference on March 18, and I have been working with him on this issue. I am rushing the application through to facilitate the SRBA process for this right.

Michael told me that he questioned the pod. The 2004 ArcMap photo that I am using clearly shows the ditch coming from the stream to the pond, so I updated the pod to reflect this. The right/recommended pod was not actually on the stream based on this photo; I did not use the 1987 photo. There is no change in the qqq description, just a little tweaking of the physical location of the pod.

Michael also questioned the water source for this right. The quad map dated 1981 shows Elk Creek (Red Elephant Gulch) and Croy Creek possibly coming together near the east boundary of Sec. 34, which would put the current pod on Elk Creek. The streams appear to have been altered as noted in the 2004 and 2006 photos. The 1987 photography is not clear as to the alteration having occurred. Croy Creek would appear to be the correct source based on the recent photos.

I asked Kevin Lakey about this water system. He said there is a lockable headgate but no measuring device. His only comment on the application is that a measuring device be required prior to use. I have added Condition O1J to deal with this.

Authority To File: The applicants are the owners of record for the water right, so this is not an issue. Per instructions of Pam Skaggs, I have requested that they obtain written permission from the BLM to move their water right off of BLM land; written permission from the BLM has been received.

Water Right Validity: The right has been recommended in the SRBA, so this is not an issue. The transfer covers the recommend flow rate and recommended number of

issue. The transfer covers the recommend flow rate and recommended number of acres.

Injury To Other Rights: There should be none, as only the pou is being changed slightly to put all the water right on private land.

Enlargement of Use: None requested.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified. The water is applied thru 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.

3. ameritt 3/12/2009 review and approval

Comment: This application was filed to resolve a BLM objection in the SRBA. The application was not advertised since it is only a pou change and has no hydrologic impact. The transfer is being approved in the region as drafted.