

Comment Report

Application ID 74479

1. jstanton 2/7/2008 1:13:43 PM Special Administration Area Notes

Comment: Special Administration Areas : Raft River CGWA

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 2/7/2008 1:14:05 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 2/7/2008 Comment/Analysis

Comment: This application splits only those rights that were appurtenant to the portion of this system in Sec. 21 & 28 prior to the approval of T68499. The two 42-1416B expansion rights were partially appurtenant to this land, while some of the early-priority rights were not; splitting all rights in the existing ppu would reduce the amount of early water on the land not involved in the transfer below what was historically there, which the applicant does not want; I configured the application accordingly. The buyer (whoever that is) will only get 2.65 afa/acre instead of the standard 4.0 afa/acre, but that should not be our concern. The application also changes the pod for this land, removing it from the rest of the system and moving the well location 1 mile straight north of where it is now.

Authority To File: The applicant is the owner of record, so this does not appear to be a problem.

Water Right Validity: These rights were decreed in June of 2002, so I have checked the available aerial photos for possible forfeiture of unirrigated acres. I have made a shape file based on the existing water-right shape, then modified it conform to the post-decree pou. About 13 acres have not been irrigated since 2002 or before, mostly in the NW/NW Sec. 28; I am recommending that this portion of the ppu be declared forfeited, and the water rights reduced accordingly.

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

Enlargement of Use: None requested. At least in 2004, a few acres of BLM land was being irrigated in Sec. 28. This land is not under the water right, and is not part of this transfer. I am just mentioning it in case the question comes up. The BLM would obviously protest the application if any of its land was involved.

The surface rights appurtenant to this property are almost never available, and the diverting works may not even exist any more. But the rights are included in the transfer in order to avoid the appearance of an expansion. The land in the NW/NW Sec. 28 recommended for forfeiture is not covered by these rights, so the transfer includes 142 acres of surface rights but 153 acres of groundwater rights; the gw rights will be reduced due to forfeiture, but the surface rights will not.

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 2/8/2008 Legal Notice Remarks

Comment: This application splits off the portion of this farm that is east of the county road. There is one irrigation well on the property; it will be turned into a domestic well, and a replacement irrigation well will be drilled one mile north of the existing site. The new well will be located 7 1/2 miles south and 2 1/2 miles east of the Hwy . 77/81 junction at Malta.

Sec. 21

T74479 POU
J7 LLC

POD

Sec. 28

T74479
Untransferred Part

