

Comment Report

Application ID 74959

1. jstanton 9/30/2008 4:19:38 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

2. jstanton 9/30/2008 Comment/Analysis

Comment: This application proposes to move 9 inches of various priorities from land formerly owned by the applicant on the west side of Hwy 75 back to the original pou on the east side of the highway. The rights were moved west across the highway a few years ago; water was to be supplied by a well, with surface water left in the Big Wood River as mitigation. The land where the rights are currently appurtenant has been bought by the county highway district to allow Hwy. 75 to be widened next year. The applicant has continued to irrigated the ground, but will not be able to do this once construction starts next year. So he has applied to fold these rights back into the existing rights on his farm east of the highway. The transfer appears to be approvable with proper conditions. Because of the existing conditions on these rights, it will be necessary to pull in the other rights on both sides of the highway as associated rights for conditioning purposes.

Authority To File: The applicant is the owner of record for the water rights, which he retained after selling the land itself to the highway district.

Water Right Validity: The rights have been recommended in the SRBA, and the recommendations are the basis for the transfer. Forfeiture is not an issue.

Injury To Other Rights: There should be none with proper conditions. The mitigation requirements will be dropped, as these rights will again be diverted directly from the Big Wood River.

Enlargement of Use: None requested. The rights are being moved to the same ppu on the east side of the highway that is currently recommended in the SRBA; no additional acres are being added. I did notice that the current ArcMap shape cuts off the NW corner of the farm in the SE/NW Sec. 1, even though this ground has been irrigated since at least 1987. I tweaked the shape a little to correct this obvious error, but ArcMap still shows the total ppu as just a bit less than the recommended 591 acres. So this small change to the shape file will not impact the new pou to any measurable degree, but will avoid any future misunderstandings about exactly which ground is legal. He could actually increase the acres on the east farm, as the pou on the west farm IS being reduced in size.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified.

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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. jstanton 9/30/2008 Legal Notice Remarks

Comment: This application proposes to move 9 inches of various priorities of Big Wood River water from the west side of Hwy. 75 to the Molyneux farm just across the highway to the east. The current place of use has been irrigated with a well, but has been sold to the highway district and will no longer be irrigated. The water will again be diverted from the Big Wood River for use on the east farm, which is where it was used prior to being moved to the west farm a few years ago. No additional land will be irrigated on the east farm. The east farm is located along the Base Line Road about 6 miles south of Bellevue.