

Comment Report

Application ID 75034

1. jstanton 11/26/2008 8:56:46 AM Special Administration Area Notes

Comment: Special Administration Areas : Raft River CGWA

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 11/26/2008 8:57:04 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

3. jstanton 12/2/2008 Comment/Analysis

Comment: This application correctly describes the current place of use for the listed water rights, tying 3 existing wells and one new well together in a common irrigation system. The only real on-the-ground change appears to be the drilling of a replacement well due to the collapse of an existing well. The transfer should be approvable with standard conditions.

Authority To File: The applicant is the current owner of all these rights according to our records, so this is not an issue.

Water Right Validity: All these rights were decreed in June of 2002, so forfeiture must be considered. There have been 4 1/4-mile pivots and 4 1/8-mile pivots on this land since at least 1987, and water was allocated to another 1/4-mile pivot in the NW 1/4 Sec. 36 in 2000. The 1987 photo does not show clear evidence of any full 40s being irrigated, but several were decreed. The 2002-2006 photos do not show clear evidence of irrigation outside the pivots except for the area just east of the Buck home (which I presume to be pasture for some personal livestock). I am recommending a ppu as determined by my review of these photos, reducing the pou by 107.3 acres due to forfeiture; all of this will be counted against the Right 43-10366 in Sec. 1, 2 & 12, as this is the expansion right on this farm (117 ac). 8 acre will be lost in Sec. 35, 8.7 acres have been added in Sec. 36. The rights in Sec. 35 & 36 are served from the same well, so I conclude that the 8 acres no longer irrigated in Sec. 35 have simply been shifted to Sec. 36 (8.7 ac); forfeiture should not be counted against either set of rights. The other 0.7 acres will come from 43-10366.

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

Enlargement of Use: None requested. The proposed ppu covers the same land that was decreed for the 3 farms being tied together in the transfer, and the recommended

was decreed for the 3 farms being tied together in the transfer, and the recommended pou is smaller than this due to forfeiture.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified. The land will continue to be sprinkled 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 12/2/2008 Legal Notice Remarks

Comment: This application ties 3 existing farms together under a common sprinkler system. Three existing wells will be tied together, and one new well will be drilled to replace a fourth well that has collapsed. The new well will be located about 5 1/2 miles south and 1 mile east of Horse Butte (about 1 1/4 miles east of the Idahome landing strip).