

REVISED

Comment Report

Application ID 73742

1. jstanton 7/23/2007 1:42:36 PM Special Administration Area Notes

Comment: Special Administration Areas : None

Exempt:

Reason:

Doc Attached:

Explanation:

2. jstanton 7/23/2007 1:43:59 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. jjones 7/23/2007 Comment/Analysis

Comment: This application proposes to change the pod to a pump site in the Snake River west of the farm. The pump site was recently approved for 0.60 cfs of Snake River water, and the applicant wishes to maximize the efficiency of this installation by also diverting his later-priority Billingsley Creek right here. The Sands Ditch is expensive to maintain for the full allowed flow, as he is the last user on this ditch. The early-priority Billingsley Creek right (36-98) will continue to be diverted through the ditch. The transfer should be approvable with proper conditions.

Authority To File: The applicant is the owner of record, so this is not an issue.

Water Right Validity: The right has continued to be used when available to irrigate at least the full number of allowed acres, so this is not an issue.

Injury To Other Rights: Unknown. Since the applicant has a good percentage of the water in the Sands Ditch, removing this right may not have a significant impact on upstream users on the ditch (the upstream users have small rights).

Enlargement of Use: This right could be diverted from the Snake River even when it is not available for delivery from Billingsley Creek. I will add a condition to the right to address this.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: Pumping this right directly from the Snake River will save conveyance losses in a long ditch, and will help downstream users on Billingsley Creek.

Review of the application finds that there is no clear inconsistency with criteria set forth

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 7/23/2007 Legal Notice Remarks

Comment: This application proposes to move the point of diversion for a 1905 Billingsley Creek right from the head of the Sands Ditch to a pump station to be installed in the Snake River west of the place of use. The pump site will be located about 1 1/2 miles upstream from the mouth of Billingsley Creek.

5. jstanton 9/13/2007 Corrected Application

Comment: Today the applicant contacted me regarding the pumping plant that he is building in the Snake River. During the actual designing of the pump station, it was determined that the pump needed to divert all of this water right would be too costly and not practical at this time (water will be lifted 100 feet straight up the canyon wall to the pou). So Mr. Shaw has decided to pump about 1/2 cfs of this right from the Snake River while leaving the rest in the Sands Ditch. I prepared a corrected application, which he signed. No additional fee is due, as the transfer has not yet been advertised. I will give the file back to Jana for completion of the additional SDE work. I took care of this problem, as Jana already had field work scheduled for today. I would expect the go-ahead on advertising from Boise soon, so it seemed like a good idea to get the correction made right away.

6. jstanton 10/22/2007 Site Visit

Comment: Today Jana and I visited the subject property accompanied by the applicant. Mr. Shaw gave us a grand tour of the property while answering my questions as to how his irrigation system operates. I felt that this visit was needed in order to develop approval conditions that fit his operation while protecting downstream users.

Mr. Shaw has done a lot of work on his property this year, developing low spots into duck ponds with good flow-through to keep them ice-free during the winter. He has 17 cfs of "winter water" from the Sands Ditch beginning on October 1, which he uses to fill these ponds. He raises corn, mainly as duck food; this property is managed for commercial waterfowl hunting. He has added additional irrigated ground as landscaping around his home and also some crop irrigation via big guns and a small half pivot on the SE corner of the property. The 2007 aerial photo of the probably is definitely different than the 2006 photo.

What Shaw does now or plans to do is this: The Sands Ditch runs westerly from Billingsley Creek into a large pond. A pump in this pond pumps 270 gpm into the middle pivot (there are 3 full-circle pivots, a half pivot, plus various other sprinklers). During July, August and possibly September, the pond does not get enough water to

During July, August and possibly September, the pond does not get enough water to keep it full. Shaw plans to install a 500-gpm pumping plant in the Snake River that will operate to keep the pond full as needed. He plans to not pump from the pond while the Snake River pump is operating. Water can leave this pond through his pond system, or over the canyon rim via a rock/plastic lined channel to the Snake River about 2 miles upstream from the mouth of Billingsley Creek. Water used to fill the various duck ponds in his corn field eventually goes onto the property of the Hagerman Duck Club (3 cfs by his estimate) on its way to the Snake River about a mile above the mouth of Billingsley Cr. Obviously he does not fill his duck ponds while the corn is being actively irrigated. Previous owners had stagnant ponds all over this property; Shaw is just improving the system so the ponds will stay open all winter. He has and is working hard to use his water as efficiently as possible.

He has a separate pumping system in the Sands Ditch upstream from his large pond. This system serves the north and south pivots. John said that both his Billingsley Creek rights are always good (not curtailed), but obviously the operation of this system reduces the amount of water reaching his irrigation pond. The watermaster later told me that the later right is cut off by late June in some years, and that the available flow varies greatly within a single day. A single lava blowout or rodent hole in the Sands Ditch (which Shaw is constantly repairing) can greatly reduce the amount of water reaching him. The watermaster does not control this ditch on a daily basis like he should; the lack of intensive watermaster control is how they have always done things in this district. The point is that the amount of water reaching Shaw varies greatly, thus the need for a regulating pond.

The small half pivot that Shaw recently installed in the SE/SW Sec. 15 covers about 8 acres (he said). It is served with water delivered via the Big Bend Ditch to a small pond/pump system on the SW corner of this farm. He has 20 canal shares here, and said that he pumps 220 gpm to this pivot. This system is not affected by the proposed transfer, but is mentioned in order to fully describe how this farm is irrigated.

I see no point in reducing the allowed diversion rate from Billingsley Creek under this transfer while the Snake River pump is operating, as the pump will supplement the creek water only as needed. The pump will not operate when enough creek water reaches the irrigation pond to keep it full.

7. jstanton 4/15/2008 Corrected App #2

Comment: I recently received a second corrected application, this time from Brockway Engineering. They now want to run their later water right over the canyon rim through an existing waterfall in order to pump it out of the Snake further north back uphill to their middle pivot and some related sprinklers. This is entirely their proposal; I had no input. Their problem is that they were having trouble getting this right to their property during the summer due to conveyance problems through the Sands Ditch. This new proposal does not solve that problem. But there will probably be enough injection into the Snake River to satisfy their re-diversion needs as long as water is flowing over their existing waterfall; they do not intend to pump all of this right back into sprinklers,

their existing waterfall; they do not intend to pump all of this right back into sprinklers, just enough of it to make it feasible to run their Snake River pump (along with the 30 inches they can already pump there). From what I can tell, there should always be some of their other right (36-98) that flows through their property unused.