

MEMORANDUM

Date: February 5, 2008
To: Transfer 74472
From: jstanton
Re: Comment/Analysis

This application proposes to tie all the surface and groundwater rights on this farm together in a ppu, drying up land outside existing pivots so an additional pivot can be installed on presently-dry land on the south part of the property. The two existing wells have been tied together by a common mainline for many years, and the transfer will change the water rights to reflect this. The transfer adds Mrs. Gardiner as a co-owner.

Authority To File: All these rights were decreed to Mr. Gardiner in 2002. He has supplied tax notices to cover the land not under the existing water rights. Mrs. Gardiner is not specifically named on the tax notices, so I request additional documentation for the ownership change; I have every confidence that this legitimate, however. This does not appear to be an issue.

Water Right Validity: The transfer is based on a 2004 ArcView photo; forfeiture for non-use does not appear to be an issue. Review of SPOT photos taken since the decree was issued appears to confirm that all the land has been irrigated at least once in the last 5 years.

Injury To Other Rights: There should be none with proper conditions. The surface water is under watermaster control, which should prevent expansions. The surface water would have always been used up to the full amount available, since it is cheaper than pumping deep wells to obtain water. The transfer will just allow both sources to be fully co-mingled for maximum usage efficiency.

Enlargement of Use: None requested. The transfer does not change the number of acres to be irrigated each year. Volume limits on well usage will remain the same.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified. Except for a small amount of gravity irrigation using excess surface water, all land will be sprinkled for maximum efficiency of water use. Most of the ground is already under sprinklers.

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.