

CORRECTED

Comment Report

Application ID 73369

1. jstanton 2/27/2007 2:45:11 PM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: N

Reason:

Doc Attached:

Explanation:

Special Administration Areas : Artesian City CGWA

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 2/27/2007 2:45:37 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 2/27/2007 Comment/Analysis

Comment: This application proposes to dry up land on an existing farm to provide water for a new dairy to be built near the SE corner of the farm. A new well will be drilled to provide water for the dairy. The well in the SE/SE Sec. 6 has apparently been abandoned, as Mr. Crane could not locate it after 2 years of owning the property. After the transfer, the well in Sec. 5 will be the only irrigation well (the west well in Sec. 6 is not used, but will be put back into service for the dairy). Although there are some minor complications as discussed below, the transfer should be approvable with standard conditions. The applicant has requested 3 years of development time, so I am recommending that this be allowed.

Authority To File: The applicants are the owners of record for the water rights involved, so this is not an issue.

Water Right Validity: The rights were decreed in 2005, so forfeiture is not an issue.

Injury To Other Rights: There should be none with proper conditions. The volumes being transferred are based on the growing of alfalfa on the land being dried up. The south ESPA boundary runs right thru the proposed dairy, and the new well could be drilled on either side of it. All the proposed pods are in the same model cell or in adjacent cell (our outside the boundary), so no meaningful injury can be determined; no mitigation should be required.

Enlargement of Use: There is a small irrigation right from Dry Creek on this farm, but Mr. Crane told me that there is no way to get it to the property; the right would only be available during spring rains, when it is not needed. Groundwater is the primary irrigation source here, and I am structuring the transfer accordingly. Right 45-2408 cannot supply the full field headgate volume due to the small diversion rate, so the consumptive volume being transferred under this right is just slightly less than the standard for alfalfa (2.68 afa/ac instead of 2.97 afa/ac). This is not significant, however, due to the overlapping nature of the water rights on this farm. The transfer is based on the consumptive-use values for Twin Falls (2.97 afa/ac for hay x 13.0 ac, and 2.49 afa/ac for winter wheat x 18.6 ac). The expansion right will be reduced by the same percentage as the the "good" rights in order to avoid an expansion.

Right 45-10107 is a 42-1416(b) expansion that provides no additional rate or volume; it is included as an associated right for conditioning purposes only. The diversion rate and expansion acres will be reduced as required. While the transfer requires 31.2 acres of good water to be dried up for the dairy, 6.6 additional acres will be dried up under the expansion right. Mr. Crane changed his mind about what land would be dried up, and I corrected the application accordingly. Besides the now-irrigated land at the north end of the dairy, the poor-quality ground on the west side of the farm will be dried up beginning at the west end and moving eastward as needed to provide the needed water.

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 2/28/2007 Legal Notice Remarks

Comment: This application proposes to change the use of 0.44 cfs and 84.8 acre feet of ground water from the irrigation of 31.2 acres of land to stockwater and commercial uses in a new dairy to be built on the same farm. One existing well and one new well will supply water to the proposed dairy. The dairy will be located about 6 miles south and 1/2 mile east of Murtaugh, Idaho. Three water rights with priority dates from 1929 to 1952 will be modified if the transfer is approved.

5. ameritt 9/12/2007 recommendation

Comment: This transfer was processed in parallel with state office staff. The application was advertised without protest. I recommend approval as drafted.