

AMENDED

Comment Report

Application ID 72469

1. jstanton 8/11/2006 4:53:33 PM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 8/11/2006 4:54:07 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 8/11/2006 Comment/Analysis

Comment: This application proposes to change the pou for this right to land that it has irrigated since a pivot was installed on this farm in 1987. The rest of the farm is irrigated with a pivot using surface water, with the well irrigating only the land north of the pivot. The transfer appears to be approvable with standard conditions.

Authority To File: This right was decreed to Peterson Farms, which was a farming entity under the son of the applicants. It never owned any land, however. The applicants have lived on this farm for many years, and the transfer just moves water from one part of the farm to another.

Water Right Validity: The right was decreed in the SRBA in 2002, so this is not an issue.

Injury To Other Rights: There should be none. Less water will be coming from the well than was decreed. This right was NOT decreed as a supplemental right in the SRBA, so I think it must be considered as a primary right. It will continue to be a primary right after the transfer, so this should not be a concern. It would probably be pretty hard to find 20-year-old power records, and then to try and quantify the actual pumpage for a system that no longer exists. If the neighbors have not complained after 20 years, they apparently feel that there is no injury occurring to their water rights.

Enlargement of Use: Like many old rights, this was licensed at 1"/acre (60" total). The pou is being reduced to 23 acres, so 23" is the appurtenant rate. But 50" is being transferred, as this is what the well now pumps according to Mr. Peterson. This allows them to run more sprinkler lines at once, so the whole parcel can be covered in less time and with less manpower. The system uses 105 5/32" sprinkler heads at 60 psi; at 5.56 gpm per head (Rainbird data), the system can use 584 gpm. The requested rate of 450 gpm

head (Rainbird data), the system can use 584 gpm. The requested rate of 450 gpm therefore appears to be justified. Mr. Peterson is the watermaster on Fish Creek, so he knows about water. Less water will be taken out of the ground than before, so what difference does it make how fast it comes out?

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 8/14/2006 Legal Notice Remarks

Comment: This application proposes to change the place of use for this groundwater right from one portion of this farm to another. The right was originally used further south, but has been used only at the north end of the farm since a pivot was installed on the property in 1987. The pivot runs off canal shares, while the well irrigates the land north of the pivot. The well is located about 1 3/4 miles NW of Carey on the west side of the Little Wood River Road.

5. jstanton 5/11/2007 Comment/Analysis 2

Comment: Yesterday I spoke to BoB Simpson, ditch rider for the Carey Reservoir Co. Bob said that Jim Peterson has 1000 shares of Little Wood Reservoir water, and that he can use them anywhere he wants. Bob also said that the Peterson well was supplemental to reservoir water until about 1960, when 14,000 acre feet of storage was added to the reservoir by enlarging the dam. Before 1960, the well was probably needed to fully irrigate this farm. This may or may not have been the case after 1960, but it does not appear to be the case now. Perhaps he uses the well just to protect the water right; I do not know. In any event, the whole 83 acres that are irrigated on this farm could be watered with surface water.