

Comment Report

37-21827

1. jstanton 12/28/2006 2:01:03 PM Additional Information Supporting Application

Comment: Residency affidavit for hydropower development: N/A

Additional hydropower project information: N/A

Additional fish propagation project information: N/A

Appropriation Rule 40.05.c information: N/A

Mitigation Plan or acceptance form: N/A

Evidence of Pre-1987 development: N/A

2. jstanton 12/28/2006 Comment/Analysis

Comment: This application covers additional storage over what was allowed under Permit 37-21486, for a total of 99 afa to be stored in a reservoir at the Malad Gorge State Park. This volume was chosen to avoid additional requirements for large dams. The stored water will be piped under gravity pressure over the canyon rim and down to the Jensen & Awalt properties, where it will be shared proportionally by the two irrigators. Corey & Allen have visited the new pond site. The new reservoir will have only a bit more surface area than the original, but will be deeper. No mitigation was required for the first permit, and Allen does not think that any should be required now. This pond would be built even if the water was not going to be used for irrigation, in order to keep this dirty wastewater out of the natural streams. As is, this is a win-win situation for everyone. It would be unfair and unreasonable to require mitigation. Flow records from the NSCC show that there will always be more wastewater reaching the Park than what the reservoir will hold, so the amount of water reaching the reservoir will be fully controllable above the site. With an average available flow of around 10 cfs, the reservoir could probably be kept full all season to maximize water-quality improvement at the site; the NSCC will probably control this, since it is their water that needs to be cleaned up. No new land will be watered as a result of these permits; it is just a question of where the water will come from. Some of this water used to run over the rim to the Awalt & Jensen lands before it was stopped by the Park or NSCC a long time ago, so things are kind of coming full circle. The application should be approved with the same conditions as the first one.

3. jstanton 12/28/2006 Legal Notice Remarks

Comment: This application proposes to store additional wastewater from the W Canal in a reservoir to be built on the Malad Gorge State Park. Permit 37-21486 covers the first 25 acre feet of storage, and this application adds 74 af due to the selection of a better reservoir site than what was originally proposed. The stored water will be used to irrigate existing farm land while reducing the quantity of waste water entering the Malad River. The reservoir will be located about 3 miles north of Hagerman and 1/4 mile west of Hwy. 30.