

Comment Report

Application ID 72435

1. jstanton 5/2/2006 8:23:13 AM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: N

Reason:

Doc Attached:

Explanation:

Special Administration Areas : North Snake GW District

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 5/2/2006 8:26:10 AM 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 5/2/2006 Comment/Analysis

Comment: This application proposes to dry up land with a decreed groundwater right in order to provide water for a large feedlot on the same farm. There are already two domestic/stock rights on this property for 3 existing wells; these rights and wells are included in the transfer. Two new wells will be dug, and all 5 wells will be tied together in a common system. The proposed commercial use is for dust control during the summer.

Authority To File: The application includes a warranty deed from the owner of record conveying the property and appurtenant water rights to the applicant. The two dom/stock rights are still in the name of Don & Carol McFarland, and they are the applicants dba Big Sky Farms LP.

Water Right Validity: The irrigation right being split was decreed in November of 2000, so forfeiture could be an issue. The land being dried up is shown as irrigated and farmed on the 2004 ArcView photo, however, so forfeiture is not an issue in this case. The existing domestic/stock rights on the farm appear to be valid to the extent described below.

Injury To Other Rights: All wells are in adjacent cells in the original ESPA model grid, so no significant impact can be determined that would require mitigation. No mitigation is proposed by the applicant.

is proposed by the applicant.

Enlargement of Use: This entire property covers about 1000 irrigated acres (not counting interior rock piles). There are two separate irrigation wells and two decreed gw rights covering 523 acres, along with about 507 shares of NSCC water from the Snake River. Assuming 1 share per acre, 1030 acres would be covered. Neither of the gw rights was decreed as a supplemental source. It APPEARS that the gw rights are the primary source for about half the farm.

On 5-10-06, I visited this farm accompanied by former farm operator Jack McCall. He showed me where the existing and proposed wells are or will be. He also said that both wells and both canal pumps are connected to a single irrigation system. Canal water is used early and late in the season when only part of the farm is being irrigated. Once all the land needs water, both wells come on for use anywhere on the property as needed for the irrigation of hay, grain, potatoes, etc. Rocky spots are farmed for some crops but not for others. The operation of the farm obviously varies greatly from year to year. About half the land being dried up of ground water was in hay or some other water-intensive crop in 2004, as was the rest of the land where the feedlot will be built; in all, about 230 acres of cropland will be converted to feedlot use. Canal water will always be used first here, as it is simply cheaper than well water. The ultimate effect should be the reduction of groundwater use for irrigation on this farm, so it seems reasonable to allow the transfer as proposed (assume gw to be the primary source on the decreed acres being dried up).

I discussed the proposed commercial (dust control) use with Jack. He said the actual use would occur from about mid-May thru October at most, rather than the year-round use proposed. I will try to get the applicant to agree to the shorter season.

I discussed the two existing stockwater rights with Jack. He told me that the east irrigation well provided water for about 350 cow/calf pairs (500 lb calves) some years from November thru April via the irrigation mainline feeding various stock troughs; there was no feedlot as such. The separate domestic well was just that. Total use would have been 5.3 afa for stock plus up to 1.2 afa for 1 home. The irrigation well will be tied into the system as a backup stockwater source, while continuing to provide irrigation water.

The south stock well provided water for 1000 600-700 lb animals from October thru February some years, according to Jack. Assuming a consumption of 6.3 gpm/head/day during this period, 2.9 acre feet of water would be used (in addition to up to 2.4 afa for 2 homes). I did not see any corrals near this well, so it may have been the same situation as with the other stock right. Total use under the 2 domestic rights would not have exceeded 5.3 afa for stock plus 3.6 afa for 3 homes; transferrable volumes under the de minimus rights should be limited to these amounts to avoid an expansion. Jack did say that both wells served livestock within the last few years, so forfeiture does not appear to be an issue here. One of the 3 homes is still occupied, and the other 2 have been recently vandalized.

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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 5/2/2006 Legal Notice Remarks

Comment: This application proposes to dry up irrigated land to provide water for a major expansion of two existing feedlots on the same farm. Two new wells will be drilled and tied into the 3 existing wells. The feedlot will be located on the north side of Hwy. 25 just west of the junction with Hunt Road (about 7 road miles NW of Eden).