

Comment Report

37-21742

1. jstanton 4/18/2006 2:46:44 PM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 4/18/2006 2:47:13 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: Attached

Evidence of Pre-1987 development: N/A

3. jstanton 4/18/2006 Comment/Analysis

Comment: This application proposes to use an existing fire-protection well at the Carey High School to provide supplemental ground water for irrigation of the school grounds when sufficient water from the Little Wood River is not available under Right 37-422. A diversion rate of 2"/acre is requested due to the necessity of only irrigating at night so that the land can be used for athletic activities during the day.

For mitigation, the applicant has made a deal with the owner of a supplemental groundwater right north of Carey for 20 acres of that right. IF the application is approved, THEN the owner of that right will deed the portion of it over to the applicant. The application proposes a ppu of 22.6 acres, and has proposed to irrigate a reduced acreage for the first two years as mitigation for the proposed permit. By the third year, 20 acres within the ppu would be irrigated each year. Graphs and raw data based on the Snake River model have been provided.

Of the 20 acres proposed to be irrigated each year, aerial photos from 1987 and 2004 show that at least half has not been irrigated for a long time - if ever. Over half the land was dry in 1987, and only the large rectangular area west of the school has been added since then (the school did not appear to be there in 1987). It therefore appears that approving the permit will increase the historic irrigation on this property unless a like number of acres is legally dried up under the mitigation right. The owner of the mitigation right wants to keep the existing pou intact without reducing its shape; this should not be allowed, as there is too much chance for enlargement of historic irrigated acres to occur. The shape submitted has areas that will obviously never be irrigated (driveways, track, etc), so should be required to remove these areas and describe only 20 acres in order to minimize the possibility of an acreage expansion.

describe only 20 acres in order to minimize the possibility of an acreage expansion. While being able to rotate pivot corners on a farm makes sense, rotating between irrigated areas at a school does not; it would be stupid to plant an area one year and then let it dry up the next.

Boise has bought into the idea that the mitigation right is valid for this purpose even though it has not been used for a long time, so the application appears to be approvable with proper conditions. A portion of Rt. 37-2657B needs to be converted to mitigation or dried up as follows: SW/SW Sec. 3 (6 acres), NW/NW Sec. 10 (10 ac), SW/NW Sec. 10 (4 ac). A diversion rate of 0.30 cfs is appurtenant to 20 acres under this right, so the rate needs to be reduced by this amount (the sale agreement only talks about acres, not about rate or volume, so I presume the appurtenant amounts will apply). The right was decreed at 3.5 afa/ac, so this parameter will be reduced by 70.0 afa.

4. jstanton 5/15/2006 Legal Notice Remarks

Comment: This application proposes to allow the use of an existing fire-protection well at the Carey High School for supplemental irrigation of the school grounds when water from the Little Wood River is not available or not sufficient.

To mitigate for the proposed use, 20 acres of land about 2 1/2 miles south of the high school will be dried up under an existing supplemental groundwater right appurtenant to that property (the Danny Simpson farm).