

AMENDED

Comment Report

Application ID 71738

1. jstanton 3/31/2005 9:15:08 AM Additional Information Notes

Comment: Reviewed by Adjudication Staff: Request

Mitigation Plan or acceptance form: N/A

Municipal Rights Anticipated Horizon Information: N/A

2. jstanton 3/31/2005 Comment/Analysis

Comment: This application proposes to dry up a piece of poor-quality land west of Filer in order to irrigate better land along Rock Creek. Groundwater will be removed from 9 acres within a 28-acre ppu to 9 new acres within a 27-acre ppu (surface rights have been claimed on 28.3 acres). The pou on Rock Creek consists of a pivot on the north end of the property (about 18-20 acres w/end gun), and a small pasture under handlines south of the pivot. The surface rights, which get cut off in June or July in dry years, irrigate all the land when they are available; he wants to just water the pasture once the creek water is gone, as the well will not run the pivot. So the groundwater rights would be supplemental on 9 acres, as is presently allowed. I helped Mr. Smith file the application, and told him that there could be problems with a groundwater expansion. The original application covered all his land on the west side of Rock Creek, but he has now reduced that to just the pivot and the pasture. Per telecon w/Smith on 7-20-06, I have changed the proposed pou for the gw rights to the south 9 acres of the 27 irrigated acres; he would have to irrigate something besides grain under the pivot for this to make sense, but that is his problem to figure out. He did not want to lose the extra acres (there are about 6 acres of pasture south of the pivot), and I do not see any reason to take them away at this time. He asked about adding some extra land he has south of the pasture, but this is unirrigated and therefore not eligible for the addition of a supplemental right. I sent him a copy of the corrected ArcView photo in case he wants to comment, and have updated SDE shapes for the gw rights.

The transfer also changes the pod on Rock Creek, as his neighbor to the south will not let him run a ditch thru that land. So Smith has established a pump site on Rock Creek on his own land, and used it at least this year without apparent problems.

On 1-13-06, I visited the Rock Creek property to verify the pods, as there was a question concerning the well location. I found the well to be within 10 feet of the gps coordinates on the well-inspection form, which is well within the accuracy of our gps units. The creek diversion is actually further north than was originally shown by the applicant, but in the same qqg. I have updated ArcView to show the correct points. The stock diversion is as stated, just an access point to the stream. I gathered gps data for all 3 points.

Authority To File: The applicants are the owners of record for all 4 rights, so this is not an issue.

Water Right Validity: All claims are protected from forfeiture since 1988, so this is not an issue.

Injury To Other Rights: The GW rights have always been supplemental to surface sources, and will remain so. Data obtained for analysis of use on the original Schroeder property showed these rights to be essentially primary for the 3 years before Smith transferred them to the present place of use. Irrigation on the new property should not exceed the historic use on the original land, and will probably be less. In a meeting with Allen & Jeff on 1-13-06, Jeff determined that the rights could be transferred acre-for-acre as long as the standard supplemental conditions remain on these rights.

Moving the pod for Rock Creek downstream does not appear to be causing problems, as we have not had any complaints about it that I am aware of. So there should be no injury due to this change.

Enlargement of Use: The 2 groundwater rights were licensed to another farm in Basin 47 as a supplemental source to Salmon River Canal Co. shares, but were transferred to the present place in 1996 as a supplemental source to wastewater within the Twin Falls Canal Co. system. Smith has assigned the wastewater claim (47-4283) to TFCC with the promise that the land in Sec. 16 will not be irrigated from any source. The TFCC shares that were there moved to other land owned by Smith in the 1980s. He has owned the land in Sec. 16 since 1980.

The land in Sec. 16 is divided roughly in half by a wastewater stream that runs SW to NE through the lowest part of the property. Smith said that he continued to use waste water there until about 1992 when a neighbor (who still has canal shares) intercepted the waste stream for his own use. Since then, there has been little or no use of this source according to Smith. So the well has been the only water source since it was drilled.

Smith told me that a well was drilled in Sec. 16 soon after the transfer was approved. The well was used one year using a diesel pump, as it was too expensive to get electric power to the site. He said he did not do much with the well the next year, but did use it some the year after that (probably 1998) before giving up. Later he said that he used it fully the first two years, with less use the third year. He then told me that the well had probably not been used in 5 years. He also said that both he and his now-deceased irrigator were not very good farmers. He said that he could run 2 70-gpm big-gun sprinklers or 3-4 34-40 gpm smaller guns with the well, indicating a diversion rate of 105-140 gpm. He said the well ran constantly in the first year or two, which means that the full 4.0 afa could have been diverted. He also said that all the land south of the waste stream was irrigated, which is about 16 acres.

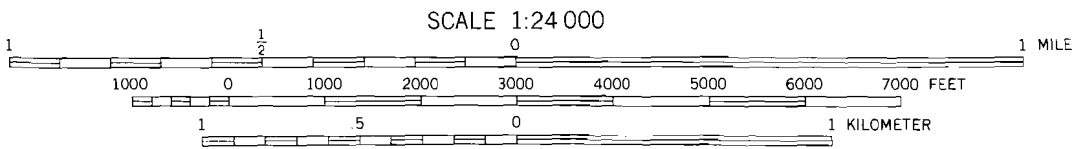
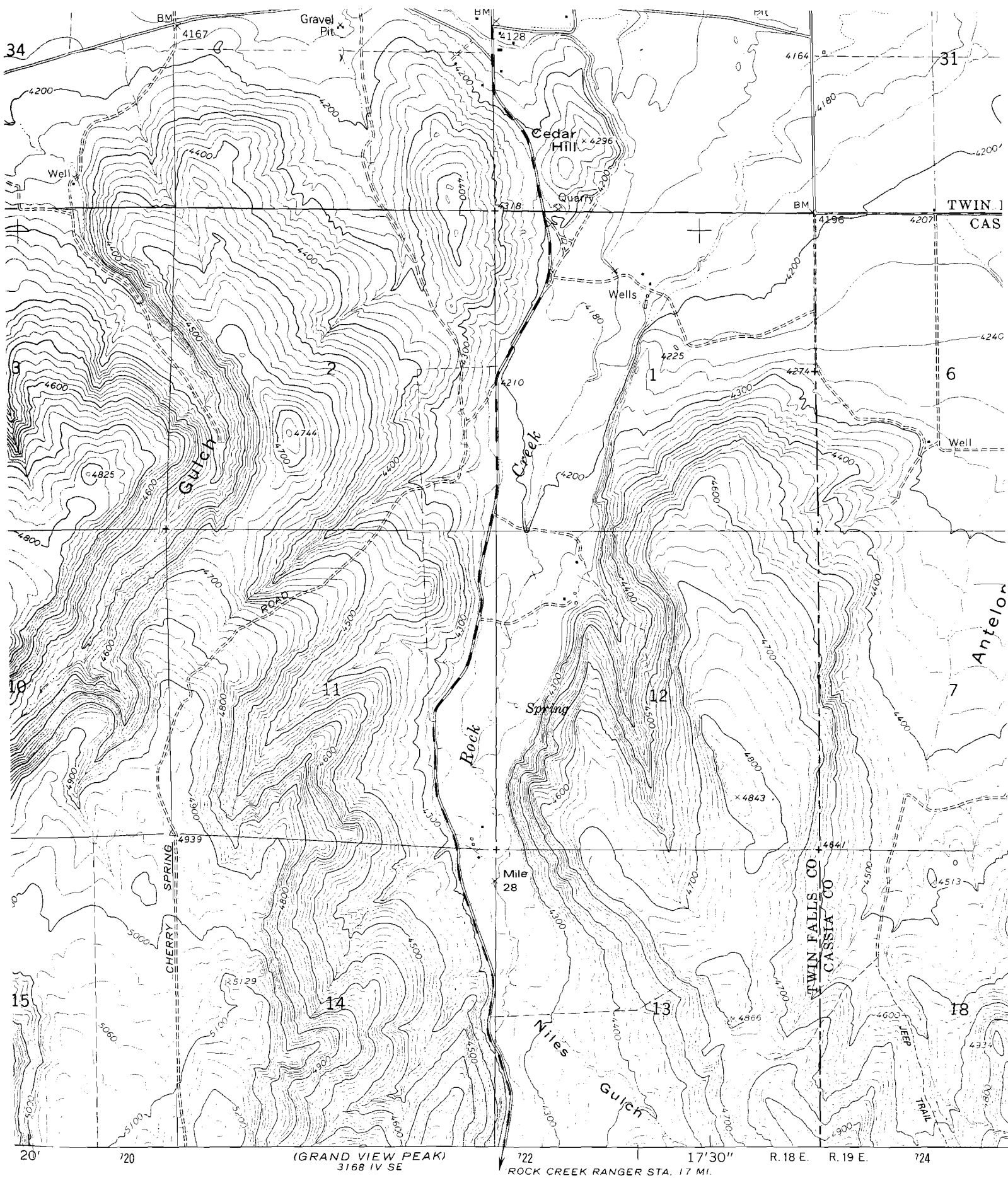
I looked at the FSA slides for 1995 through 2003, and what appeared to be irrigated was different every year. At least 9 acres appeared to be irrigated in 1995 & 1996,

was different every year. At least 9 acres appeared to be irrigated in 1995 & 1996, when Smith claimed no irrigation. Fewer acres were wet in 1997. In 1998 through 2000, at least 9 acres appeared to be irrigated each year. Water use was minimal in 2001 & 2002. There was more green land in 2003, but still less than 9 acres.

Jeff has suggested that we look at the historic use on the land the gw rights were originally licensed to. Allen did a review of this property for T5069, obtaining use data for both surface & gw usage there. Canal deliveries varied from 48 to 125 af during the 3 years the 9 acres were irrigated there, so there was a considerable variation in available surface supplies. Smith has delivery records from 1994 to the present show his Rock Creek rights being cut off between June 22 & July 31 in most years during that period; the water lasted all season in 1997. A continuous flow of .69 cfs for 39 days yields a volume difference of about 53 af from one year to the next - considerably more if you count the rare wet year. For the 3 years of data when the 9 acres were irrigated on the original land, the wells supplied between 75% and 93%

3. jstanton 4/21/2005 Legal Notice Remarks

Comment: This transfer proposes to change the point of diversion for two Rock Creek rights from a headgate to a pump site a little further downstream, and to move 9 acres of supplemental ground water from the Filer area to the Smith land on the west side of Rock Creek. The ground water will be used to irrigation a portion of the property once the Rock Creek rights are shut off by the watermaster under a priority cut. The land near Filer will no longer be irrigated. The Rock Creek property is located 8 to 8 1/2 miles south of Hansen between Rock Creek and the 3800 East Road.



CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 10-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929



Proposed PPU - Ed Smith
T71738

The image is a grayscale aerial photograph of a rural landscape. A yellow boundary line outlines a specific area of land. Within this area, there are labels for a 'Well' and a 'Pump'. The 'Well' is marked with a small circle and a dot, while the 'Pump' is marked with a small yellow circle. The surrounding terrain appears to be a mix of fields and wooded areas, with some linear features like roads or fences visible. The overall image has a grainy, high-contrast quality typical of older aerial photography.

Well

Pump

An aerial photograph of a rural landscape, likely in the United States, showing a river winding through the center. The land is divided into a grid of sections, with some sections containing buildings and other structures. The text "NW 1/4 Sec. 16 T. 10S R. 15E" is overlaid on the image, indicating the specific location within a township and range. The image is a composite of several smaller photographs, as evidenced by the white circular punch holes at the top.

NW 1/4 Sec. 16 T. 10S R. 15E



T71738
Before
2002



Map of

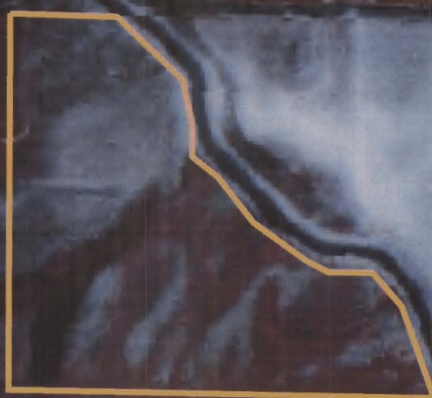
NW 1/4 Sec 16 T10S R15E

2003

200 0 200 400 600 800 Feet



Map Printed: Apr 21, 2005



T71738
Before