

MODIFIED

Comment Report

Application ID 71642

1. jstanton 12/28/2004 2:01:49 PM 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 12/28/2004 2:03:21 PM Additional Information Notes

Comment: Reviewed by Adjudication Staff: N/A

Mitigation Plan or acceptance form: Attached

Municipal Rights Anticipated Horizon Information: N/A

3. jstanton 12/28/2004 Comment/Analysis

Comment: This application proposes to move portions of the original water right back to where it was licensed, and to bring in additional water from another area to allow additional pivots to be installed on the Faulkner property west of Gooding on land that has not been irrigated before. 37-7808 was licensed in Lincoln County, but has been rented from the Water Bank for the last 2 years for use on the land east of Gooding. Faulkner tried to transfer this right to the Gooding property in 2003, but withdrew the transfer due to the large water loss required under their proposed mitigation plan. They have now decided to go ahead with the permanent transfer, and have submitted the original mitigation plan at my suggestion. I told Mr. Faulkner that this might work, but did not guarantee anything. I did not ask him to submit a mitigation plan for the rights being moved back to their original pou, as this does not seem fair. Allen ran the Snake River Effects program under several scenarios involving all the To and From wells; the program shows that the original mitigation plan involving the Lincoln County right only satisfies the mitigation requirements by immediately giving up 46% of the flow rate & volume. Additional mitigation is not required to move the Gooding County rights back to their original pou. The transfer appears to be approvable with standard conditions.

Authority To File: The applicants are the owners of record of these water rights, except for 37-8005D. They have written permission from the owner to transfer that right. The original app included about 1 acre in Sec. 16, which is not owned by the applicant, but this has now been shifted onto land in Sec. 9 that Faulkner does own in

applicant, but this has now been shifted onto land in Sec. 9 that Faulkner does own in order to maintain the same acreage total. John Faulkner told me what changes he wanted, but did not actually sign anything; it did not seem necessary for such a small change.

Water Right Validity: The rights have been decreed in the SRBA, or licensed outside of that process. 37-7808 has been protected from forfeiture by an extension of time or by being in the Water Bank, as the licensed pou in Lincoln County has not been irrigated for over 5 years.

Injury To Other Rights: There should be none with an acceptable mitigation plan.

Enlargement of Use: None requested. Land will be dried up as required to allow for the expanded place of use west of Gooding. The water right that will be leased from the Dept. of Lands for use on the ground being dried up south of Gooding has remained unused for several years to mitigate for the proposed lease.

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 12/28/2004 Legal Notice Remarks

Comment: This tranfer proposes to dry up land south of Gooding and also in Lincoln County so that additional land can be irrigated west of Gooding. All land involved in the transfer is owned by the applicant. The existing well, motor and pump west of Gooding will provide water to the proposed new place of use; additional relift pumps will be installed to pressurize the new pivots to be installed there. The well is located 5 1/2 miles west and 5/8 mile south of the Hwy. 26/46 interchange south of Gooding. A mitigation plan has been submitted that will minimize the effects of the proposed transfer on other water users that might otherwise occur due to moving water from Lincoln County to Gooding County.

