

Comment Report

Application ID 72106

1. jstanton 8/30/2005 11:22:05 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

2. jstanton 8/30/2005 Comment/Analysis

Comment: This application proposes to transfer a small amount of water from some land in Malta to an existing farm west of town to increase the diversion rate there. The Malta property will be sold without irrigation water rights. The place of use at the farm will remain the same, as the land is already covered by other surface rights. The point of diversion is moving 2-3 miles upstream, so this will actually be a more-efficient use of this right due to reduced conveyance loss. While the original intent was to just transfer the surface right in Malta, the applicant has agreed to transfer the irrigation portion of the groundwater right also to avoid an overlap problem. It seems unlikely that the actual use of ground water on the farm will change due to this transfer.

On 11-10-05 I visited the existing pou in Malta. There are 3 homes with small lawns on the south end of the property, all facing south. These are rental homes, as the applicants do not live on the property. The domestic well is in a gray metal shed north of middle home. There are lots of large trees on the property, but some of these do not appear to be watered directly; they make a lot of green on the 2004 aerial photo, but do not actually appear to be part of the irrigation pou. There is a wide driveway area north of the homes, and then additional lawn north of the driveway. The portion of the property north of the driveway is about 1/2 acre of pasture according to Mr. Cottle, but is not suitable for this purpose due to the lack of adequate fencing; any animals put here would quickly be running all over town. The ditch containing Cassia Creek water divides the "pasture", so could be used to irrigate it. Cottle said that he floods the east portion of the pasture on a rotation basis rather than trying to irrigate with just his 3 inches. He has a setup in the culvert on the NW corner of the property to irrigate the west part of the pasture. He said he irrigated the land this year, so I suppose this would constitute a beneficial use. He also uses the well on the pasture, but could not use the surface water on the lawns.

My best estimate is that one acre of land is actually irrigated on this property, not 2.4 acres as decreed. Half an acre has been irrigated from Cassia Creek, while the whole acre has been irrigated from the well. Both rights were decreed with the same 2.4-acre pou, which is probably the entire parcel. Obviously the gw right cannot be left on the property; the applicant has agreed to transfer it off. This would seem the obvious solution to the expansion problem, but I am sure that he will still want to water the lawns around the homes. And the west part of the pasture contains several large trees that will probably die without water, so I presume that he would want to water that area also. About 3/4 acre could still end up being watered from the well, which would exceed the domestic allowance of 1/2 acre. We might be able to condition the

would exceed the domestic allowance of 1/2 acre. We might be able to condition the transfer to deal with this, but any such conditions would be unenforcible - what watermaster has time to worry about excess lawn irrigation? This is in a critical gw area, and I do not see how this transfer can be approved without expanding gw use on this property.

Authority To File: The applicants are the owners of record for both properties.

Water Right Validity: The rights were decreed within the last 5 years, so forfeiture is not an issue.

Injury To Other Rights: See above.

Enlargement of Use: None requested.

Local Public Interest: No issues identified, although removing the surface water from the ditch could have a negative impact on the other ditch users. I did not identify them, so have not tried to contact them for comment.

Beneficial Use/Conservation of Water Resources: No issues identified. The farm has 5/8 inch of water per acre, so the additional flow can be efficiently used on this property.

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.

3. jstanton 8/30/2005 Legal Notice Remarks

Comment: This application proposed to move 3 inches of water from a small parcel in Malta to an existing farm 2-3 miles southwest of town to increase the diversion rate for that property. The parcel in Malta is being sold without water rights. The right being moved will be diverted from the existing headgates that serve the farm.





WELL
LOCATION