

Comment Report

Application ID 71020

1. jstanton 2/6/2004 11:25:52 AM Special Administration Area Notes

Comment: Special Administration Areas : Water District 37

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 2/6/2004 11:33:20 AM Additional Information Notes

Comment: Reviewed by Adjudication Staff: Request

Mitigation Plan or acceptance form: N/A

Municipal Rights Anticipated Horizon Information: N/A

3. jstanton 2/6/2004 Comment/Analysis

Comment: This application takes portions of rights that were tied to the present pou by a previous transfer, then moves them to land just south of there for use on dry land. Portions of these rights are used west of the Broadford Slough, but the proposed pou is east of the Slough. This water was put into the Water Bank last year so that it could be rented out for use on the Townsend property, since it would not have been possible to get a transfer approved in time for last season. T71019 covers the groundwater right on this property, which is also being split proportionally.

There has been some question as to whether the pod for these rights should be the head of the Broadford Slough or the actual pump site in the Slough. Several meetings on the subject produced an opinion that the pump site should be listed as the pod, so Brockways submitted an amended app in August of 2005 to change the pod accordingly. The data entry has been done, and the amended app (actually a corrected app) will be scanned.

Authority To File: The applicants bought the water rights from the owner of record, and the land from another party. See T71019 for documentation.

Water Right Validity: The claims are protected from forfeiture in the SRBA, and were rented from the Water Bank last year. Rights appear to be valid pending final SRBA review.

Injury To Other Rights: No issues identified. The new re-diversion point will be 1/4 mile downstream from the present pump site for Rosekrans, which is not far enough to worry about conveyance loss.

Enlargement of Use: The premise of the transfer is that 5 acres will be dried up at the present pou as the land is subdivided and turned into roads, home sites, etc. The

present pou as the land is subdivided and turned into roads, home sites, etc. The proposed pou is 5 acres, but has rough borders and a home site; it is likely that less than 5 acres will actually be irrigated here. Enlargement does not appear to be an issue.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified. The new pou will be sprinkler, so water will be used as efficiently as possible.

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 issues have been identified that would require further review or submittal of additional information by the applicant.

4. jstanton 2/6/2004 Legal Notice Remarks

Comment: The present place of use is being subdivided, creating about 5 acres of non-irrigated areas such as roads and home sites. The portion of these rights appurtenant to these areas has been purchased by the applicants for transfer to their land just south of the subdivision. The water will continue to be diverted through the Broadford Slough & Rockwell Bypass, with a new pump site in the Slough to serve the new place of use. The Townsend property is about 1/2 SW of Bellevue on the east side of the Broadford Slough.