

Comment Report

Application ID 71073

1. jstanton 4/1/2004 4:32:50 PM Special Administration Area Notes

Comment: Special Administration Areas : Big Wood River GWMA

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 4/1/2004 4:35:09 PM 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 4/1/2004 Comment/Analysis

Comment: This is a companion transfer to T71145, which covers the surface rights appurtenant to this property. The groundwater right was moved here as a supplemental source for 40 acres in 1995. 5 acres of water have been sold to a neighbor to the south, leaving 35 acres of irrigation available on this property; transfer should be limited to this amount.

On 4-8-04, I toured the subject property accompanied by the applicant and Jason Helms. I GPSd a number of point in order to try and resolve exactly what the legal description is, as there is a discrepancy between ArcView and the property survey. Both ArcView and GPD data show about 2 acres in the N 1/2 SE, but the surveyor and the county assessor say that the applicant owns no land in this tract. I found 2 section markers near the SE corner of the Rosekrans property. One said SW 36 and the other said NW 1. I did not see any bearing data. Both are on the east side of the county road coming south out of Bellevue, and one was north and one was south of the lane going east. Both GPSd at 20 feet east of the gcdb line; one marker was 2 feet south of the line, and the other was 14 feet north. These differences are well within the tolerance of the GPS unit, so I cannot say that the gcdb data is incorrect. The roads on the north and south sides of this property are where the USGS quad says they are, so I believe that the survey of the property is wrong. But it would probably cause legal problems between the applicant and the land owner just to the north (who is also doing a subdivision based on the 40 line being the property line), so the best course of action seems to be to just go along with the survey in describing the proposed ppu. ArcView shows about 9 acres in the SW/SE, 38 acres in the SE/SE, & 2 acres in the NE/SE; but since I cannot show any land in the NE/SE, and since there is about 2 acres out of the SE/SE for the county road, I am showing 11 acres in the SW/SE so that everything at least adds up correctly. While the original application showed 51 acres, this included the county road on the south end of the property; Jason agreed that it should only be for 49 acres.

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The proposed ppu covers all the land owned by the applicant, including the channel of the Broadford Slough and surrounding trees, and her home site (which has only a lawn irrigated by the domestic well). These lots are VERY expensive, so anything could happen. Her lot could be sold and changed in numerous ways, and the channel of the Slough could even be moved. The transfer seeks maximum flexibility for future developments.

With regard to the irrigation system, this property is quite flat and gravelly; it would have been difficult to irrigate with ditches. There is now a sprinkler system there, consisting of a pump in Broadford Slough and a mainline that runs along the north side of the farm. I assume they irrigate with handlines, although none were hooked up during my visit. While there is a fair amount of soil closer to the Slough, the central part of the property is almost pure gravel and cobble. The existing well is just on the west side of the Slough near the ditch pump, and is connected directly to the mainline. The mainline will be moved further south towards the middle of the property so that it is accessible by all 4 of the proposed subdivision lots. The ditch pump will also be moved south so that it will be near the new well to be drilled; this will not change the pod at the head of the Slough, however.

Authority To File: The applicant was the former Mrs. Duininck, and she has provided a warranty deed from her ex-husband showing full ownership of this property. She has since sold all the property to various parties, but the deeds and the subdivision covenants make it clear that the homeowners association holds title to the water rights; the association is now the applicant for this transfer. with attorney Jim Speck as their contact person.

Water Right Validity: This right was transferred to the subject property around 1995, and the SRBA claim is still on file. Forfeiture is therefore not an issue. The SRBA review of the claim found no problems.

Injury To Other Rights: No issues identified.

Enlargement of Use: The well has supplemented the surface rights as needed, and this will not change. The transfer will be conditioned to prevent enlargement, as the proposed ppu is larger than what can legally be irrigated under this right.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: The land is sprinkled for maximum efficiency of water use.

Review of the application finds 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

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

4. jstanton 4/2/2004 Legal Notice Remarks

Comment: This application proposes to create a permissable with the groundwater right owned by the applicant. The land is being subdivided, so irrigation could occur anywhere on the property. A companion transfer does the same thing for the Big Wood River rights appurtenant to this property. Annual irrigation will be limited to the historic use of water on this farm. A new well will be drilled in a more convenient location alongside the irrigation pump in the Broadford Slough. The property is located about 1/2 mile SW of Bellevue on both sides of the Broadford Slough.

R 18E

Old Well &
Ditch Pump

New Well &
Ditch Pump

T 2N

SW/SE Sec. 35

SE/SE Sec. 35

South Forestry