

## **Comment Report**

**Application ID 71475**

1. jstanton 8/19/2004 Comment/Analysis

Comment: This application proposes to add 80 acres of new land to an existing ppu, and also adds additional volume and flow to the existing irrigation system, by drying up land in Basin 43. Since the points of diversion are being moved downstream in the ESPA, a mitigation plan is required and has been proposed. The proposed ppu is outside the area covered by the mitigation software presently in use, so Dr. Brockway has estimated that there is about a 3-year travel time from this property to the nearest land covered by the software; this explains the 3-year lag in pumping at the To well shown in his spreadsheet, and is incorporated into the proposed mitigation plan.

Thes rights are recommended with 10 wells based on a previous transfer. One of the wells has not yet been drilled, however, but is proposed again under this new transfer. The applicants have an agreement with the Burley Irrigation District to transport up to 1100 gpm (2.45 cfs) through the J Canal for use on downstream portions of the ppu, with a 2% conveyance deduction at the re-diversion points in the canal.

Authority To File: The applicants are owners of record for the existing rights in Basin 45, so this is not an issue. They propose to transfer all of their remaining 1/3 of the Basin 43 rights not covered by the companion transfer T71469. Between the 2 transfers, all of their portion of the Basin 43 rights is being moved to Basin 45. The other partners in Sagewood Ranch have filed or will file transfers on their portions of these rights, so that entire property will be dried up within the next couple of years (it has not actually been irrigated since 1993).

As long as the mitigation plan is acceptable, the transfer should be approvable with proper conditions. Most of the conditions are in place from the previous transfer of the Basin 45 rights, but just need to be modified a bit to cover the proposed changes.

Water Right Validity: The Basin 45 rights are recommended for decree in the SRBA, and the Basin 43 rights were decreed in July of 2002. The Basin 43 rights have been in the Water Bank for some time.

Injury To Other Rights: Apparently none with proper mitigation.

Enlargement of Use: The existing Basin 45 rights cover 1270 acres of the existing 1555-acre ppu, so are 285 acres short of full coverage. The transfer adds 80 new acres, making a shortfall of 365 acres. The transfer dries up 522.4 acres in Basin 43, so the transfer permanently dries up 157.4 acres; I have added Condition X55 to deal with this. The larger right has 67.6% of the acres in Basin 43, so I have taken that same percentage of the acres being given up from this right (& the remainder from the smaller right). It is the applicant who has decided retire these acres rather than hold on to them for future use somewhere else (I am not sure whether or not this would be possible with the mitigation plan; they may need all the cfs and volume available to

possible with the mitigation plan; they may need all the cfs and volume available to properly irrigate the proposed ppu).

A problem has been found regarding the 1962 water right. The well was developed under gravity irrigation for over 500 acres. Since the acres were recommended, it is my belief that the well produced a high-enough diversion rate to produce 4 afa/ac under this system. But when I measured the original well around 1982, it was pumping into sprinklers at over 90 psi in connection with 3 other wells. The measured rate of 3.3 cfs was decreed, along with 4 afa/ac, but this rate can only produce 3 afa/ac. Dr. Brockway re-ran his spreadsheet & mitigation plan with the lower volume figure. The mitigation plan is based on 2.97 afa/ac consumptive use, so the measured system capacity provides enough volume. But I do not know what volume should be allowed under the approved transfer; the mitigation plan allows 0.48 cfs, but this will only produce 234.2 afa. Since the plan allows 311.7 afa, I have increased the recommended rate to 0.64 cfs to provide the full allowed volume.

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.

2. jstanton 8/19/2004 9:49:06 AM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: N

Reason:

Doc Attached:

Explanation:

Special Administration Areas : West Measurement District

Exempt: N

Reason:

Doc Attached:

Explanation:

3. jstanton 8/19/2004 10:38:26 AM Additional Information Notes

Comment: Reviewed by Adjudication Staff: Request

Mitigation Plan or acceptance form: Attached

Municipal Rights Anticipated Horizon Information: N/A

4. jstanton 8/19/2004 Legal Notice Remarks

Comment: This application proposes to add 80 acres of new land to an existing complex of 5 farms located near the J Canal south of Burley. Nine existing wells and one new well will provide water for the property. In addition, 522 acres will be dried up northeast of Horse Butte in eastern Cassia County so that additional ground water can be used on the 5 farms. A mitigation plan has been proposed to minimize the effects of moving these rights downstream within the Eastern Snake Plain Aquifer. The J Canal will be used to carry water to relift pumps serving 2 of the farms. The property is located 7 1/2 to 8 1/2 miles south and from 1/2 mile west to 7 1/2 miles east of the Burley city center.

5. jstanton 9/8/2005 Amended Mitigation Plan

Comment: Last week, Chuck Brockway Sr. met with Allen and I to review the new mitigation plan he developed for this transfer based on the beta version of the new ESPA model. Allen was satisfied with the proposal, so I faxed it to Jeff for review. He was also satisfied, so I modified the approval conditions to reflect the new data. While the new plan starts with about 1900 afa based on what was available at the old place of use, the amount transferrable is limited to 1460 afa at the new pou (4.0 afa/ac for 365 acres). All the other land at the new pou is licensed for full volume. I discussed this with Chuck Sr. before proceeding with the conditions, and he had no problem with this approach. The new plan calls for at least the 1460 afa through 2040, finally stabilizing at about 1246 afa (3.4 afa) in 2051. The full diversion rate of 5.91 cfs is available at the new pou forever (this parameter is not reduced for mitigation as was incorrectly shown in the original conditions). So the new plan allows plenty of water for farming the new land; there appears to be no reason to deny the transfer on this basis.