

Comment Report

45-7731

1. jstanton 10/14/2003 10:38:39 AM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: N

Reason:

Doc Attached:

Explanation:

Special Administration Areas : Magic Valley GW District

Exempt: N

Reason:

Doc Attached:

Explanation:

Special Administration Areas : Water District 130

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 10/14/2003 10:39:46 AM Additional Information Supporting Application

Comment: Residency affidavit for hydropower development: N/A

Additional hydropower project information: N/A

Additional fish propagation project information: N/A

Appropriation Rule 40.05.c information: N/A

Mitigation Plan or acceptance form: N/A

Evidence of Pre-1987 development: N/A

3. jstanton 10/14/2003 Comment/Analysis

Comment: This application was filed in 1996 to increase the allowable pumping rate for the well and land that are already licensed under 45-7333. Information supplied by the applicant indicates that water-supply problems at the time of the licensing exam caused the license to be issued for less than the normal system output. A replacement well drilled near the existing well in 1992 provided a more-reliable water supply by allowing the bowls to be put deeper into the aquifer, as the original shallow well was affected by local aquifer depletion (according to Mr. Turner). He also stated that the original 40 hp motor was moved to the new well, so the system has not really changed. Data from the Magic Valley GW District still shows 4 handlines being used on the property.

With regard to the permit allowing expansion of historic usage, the applicant has

With regard to the permit allowing expansion of historic usage, the applicant has agreed to limit the permit to the licensed annual volume. Data from MVGWD and South Side Electric shows that the licensed volume has not been exceeded during the years 1997 through 2002. So approving the permit will legalize the existing flow rate up to the amount measured in 2000 by MVGWD without allowing any expansion of the licensed volume; I recommend the permit be approved for 1.21 cfs. Although Lovell Turner (father to Ronald) told me that MVGWD measured 860 gpm this year, data from Brian Higgs only shows 792 gpm. Jeff Peppersack has concluded that the application can be processed as a non-consumptive use.

The place of use has changed, and is only recommended for 110.9 acres instead of the 115 originally licensed. The Turners have agreed with the SRBA findings for the lesser acreage, so the application has been corrected to reflect this. Therefore, the place of use is fully covered by the previous license. The pending application will not add any new land.

Lovell Turner has been added as an applicant by an assignment of application. The 3 applicants are shown as current owners for 3 pieces of the original license under Claims 45-7333A, 7333B & 13548.

The original licensed was issued with a standard season of 3-15 to 11-15, and I recommend that the permit be issued with the same season. The season applied for was the standard in 1996, but the standard season has now reverted to the longer season. I did not discuss this with Mr. Turner, but Processing Memo #9 allows this type of change without applicant consent.

4. jstanton 10/14/2003 Legal Notice Remarks

Comment: This application will legalize the existing increase in the licensed flow rate from this well without increasing the licensed annual diversion volume. The licensed ground will continue to be irrigated, with no acreage increase. The well is located 1 3/16 miles north and 3/16 miles east of the Hwy. 25 exit off Hwy. I-84 3 1/2 miles north of Declo, Idaho.

5. amerritt 10/25/2004 protest withdrawn and recommendation

Comment: Protests were withdrawn based on stipulated agreement. The agreement involves limiting the permit when combined with 45-7333A and 45-7333B recommendations. Permit drafted to also include consideration of 45-13548 which stems from the original license 45-7333 which was for .55 cfs and 267.3 afa. and is diverted out of the same well.

Recommendations for existing uses from well are:

45-7333A	0.44 cfs	97.3 acres	234.5 afa
45-7333B	0.08 cfs	8.0 acres	19.3 afa
45-13548	0.03 cfs	5.6 acres	13.5 afa
Total	0.55 cfs	110.9 acres	267.3 afa

I recommend approval as drafted.

6. kwalker 10/29/2004 Permit Review

Comment: In review of this application I only made 2 changes to conditions of approval as proposed by region. I added a diversion rate limitation to condition 3 because the conditional withdrawal by canal companies specifically asks for that inclusion and I added condition limiting all rights when combined to 0.02 cfs and 4.0 af per acre which is used on all irrigation permits. Recommend approval as done by regional staff.