

Comment Report

Application ID 71709

1. jstanton 2/1/2005 Comment/Analysis

Comment: This application proposes to provide water for a small expansion of a small dairy. The expanded herd will only be 300 dairy cows & about 50 dry stock; less than 80 dairy cows are being added. I have not visited the property, but spoke with the applicant and with Del Kohtz (who sold him the water). The applicant is buying 80 acres from his parents, so a COO will be needed for the existing water right on the dairy. Waste water is land applied to some of the property, but 80 canal shares provide the main water source for a pivot and some small fields. The application showed that a second well will be drilled, but the applicant confirmed that this is not correct; the existing well, motor and pump will be the only conveyance works. The correct address is 329-A S, not 329 S as shown on the application. The applicant parents hold the mortgage on the property, and have provided written permission for the transfer. All the dairy facilities are in the east 40, so the SW/NE does not need to be shown as a pou for commercial use. The transfer appears to be approvable with proper conditions.

Authority To File: Applicant is purchasing the land from the owner of record, and the water from a known water marketer; documents are attached.

Water Right Validity: The rights were decreed less than 5 years ago, so forfeiture is not an issue.

Injury To Other Rights: None expected due to mitigation plan.

Enlargement of Use: The existing water right on this dairy appears to provide sufficient volume for the proposed small expansion, but may not be fully available if priority cutbacks occur in WD 130. So the applicant has obtained additional water with an early priority date that will not be subject to cutbacks. He told me that he plans to hold on to the later right for a while to see what happens to the cutback situation. He may also expand his herd in a year or two above what is covered by the pending transfer, so may have need of additional water then. Given the uncertainty of the water situation on the north side, this approach seems reasonable. Since land is being dried up to provide the additional water, I do not think that we should put a combined limit on the diversion rate or volume for these two rights. Forfeiture of some portion of the rights could be an issue in the future if the dairy does not expand enough to use all of what is available, but that is not a concern at this time.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified.

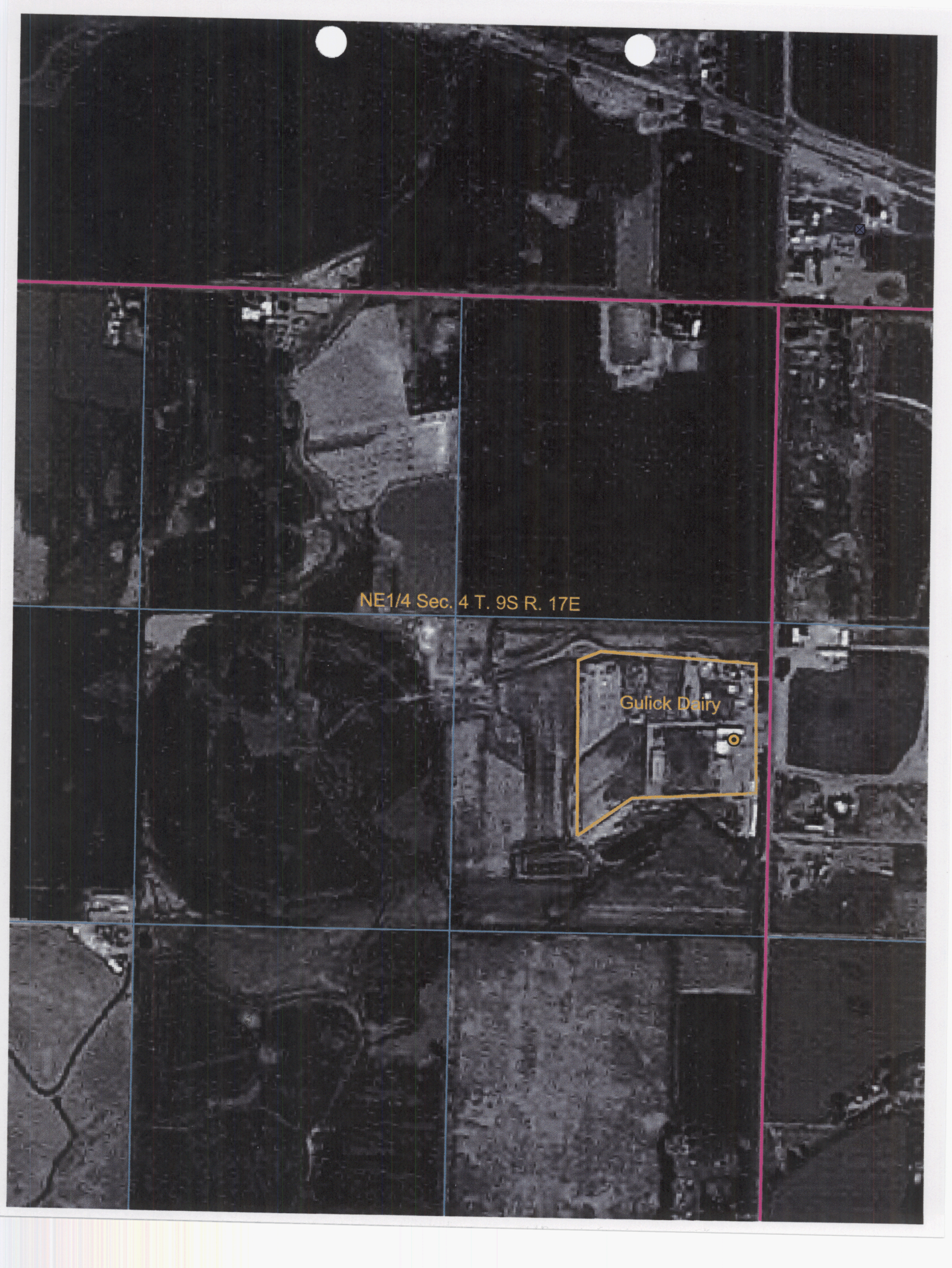
Review of the application finds that there is no clear inconsistency with criteria set forth in Sec. 42-222 I. C. preventing processing. At least prior to advertising, no other issues have been identified that would require further review or submittal of additional data by the applicant.

2. jstanton 2/2/2005 11:37:42 AM Additional Information Notes
Comment: Reviewed by Adjudication Staff: N/A
Mitigation Plan or acceptance form: Attached
Municipal Rights Anticipated Horizon Information: N/A

3. jstanton 2/2/2005 11:39:01 AM Special Administration Area Notes
Comment: Special Administration Areas : North Snake GW District
Exempt: N
Reason:
Doc Attached:
Explanation:

Special Administration Areas : Eastern Snake Plain Aquifer
Exempt: N
Reason:
Doc Attached:
Explanation:

4. jstanton 3/2/2005 Legal Notice Remarks
Comment: This application proposes to dry up land with two 1957 groundwater rights, and to move those rights to an existing dairy with a 1990 water right in order to provide protection against possible priority cutbacks and to provide water for a slight expansion of the existing dairy herd. The existing well will continue to provide water for the dairy; no additional wells are planned. The dairy is located 3 3/8 miles south and 1 mile west of the Hwy 25/93 interchange east of Jerome.



NE1/4 Sec. 4 T. 9S R. 17E

Gulick Dairy