

MEMORANDUM

Date: June 17, 2014
To: Transfer 79380 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes transferring a 35.3 acre (0.42 cfs & 66.0 afa) portion of a groundwater irrigation right, 47-17589, from a farm located approximately 14.5 miles south and 1.0 mile west of Rogerson to stock water and commercial uses associated with an existing dairy facility located approximately 4.0 to 4.5 miles south and 2.0 to 2.5 miles west of the Highway 30 and Highway 93 intersection. Two existing wells and a new well to be drilled at the dairy facility will be used to divert the transferred water. Note that two additional companion transfers have also been filed on right 47-17589. Also note that the place of use of groundwater right 47-17589 involved with this transfer overlaps the place of use of two Mule Creek irrigation rights, 47-7287 and 47-14285. Rights 47-17589, 47-7287, and 47-14285, currently in the name of Thomas or Dorothy Leno, resulted from previous similar approved transfers # 77406 (approved 11/1/2011), # 77669 (approved 3/13/2012), and # 78127 (approved 12/6/2012). This transfer (# 79380) application includes a detailed supplemental analysis of the past use of right 47-17589 (identified as original right 47-7106) copied from the previously approved transfers (supporting information in the original transfer file). This analysis indicates that for each acre of right 47-17589 that is transferred, 1.87 AFA of consumptive use would be available to be transferred. The application also includes relinquishment forms signed by Thomas Leno (note that Dorothy has passed away) relinquishing the 35.3 acre portion of rights 47-7287 and 47-14285 that overlaps with the 35.3 acres of 47-17589 involved with this transfer. However, note that as part of the processing of this transfer, it is proposed to retain the full amount (actually a rather small amount) of irrigation storage volume and irrigation from storage volume authorized by right 47-7287. Note that in the previously approved transfers involving these same rights, for right 47-7287 only acres were relinquished and the irrigation storage and irrigation from storage volume was retained.

- **Authority to File:**

The application is filed in the name of Thomas and Dorothy Leno, the current recorded owners of the rights involved with the transfer. Note that a copy of a death certificate has been included with the application indicating that Dorothy has passed away. If the application is approved, it is proposed to update the records involved with the application by removing Dorothy as an owner. The application includes a copy of a water right purchase and sale agreement between Thomas Leno and Cedar Ridge Dairy LLC who is the entity who is operating the dairy facility at the proposed place of use. According to deeds included with the application, the actual dairy facility is owned by Henry Calvin Hafliger Jr. (aka Hank Hafliger) and L & S Land Holdings, LLC. Copies of authorization statements from these two parties have been included with the application authorizing the transfer of the right to the property. Note that the water right purchase and sale agreement between Thomas Leno and Cedar Ridge Dairy LLC indicates that ownership of the right will be conveyed to Cedar Ridge Dairy after the transfer is approved.

- **Water Right Validity:**
All the rights involved with the transfer were decreed in the SRBA in 2010 or 2011. Also note that the rights involved in the transfer resulted from previous similar approved transfers # 77406 (approved 11/1/2011), # 77669 (approved 3/13/2012), and # 78127 (approved 12/6/2012).
- **Injury to Other Water Rights:**
The current point of diversion for right 47-17589 and the proposed points of diversion at the dairy facility are located approximately 34 miles away from each other. However, both locations are located within IDWR administrative basin 47. In addition, previous applications involving portions of the Leno groundwater right included copies of published reports relating to studies of the groundwater within the Salmon Falls Creek Basin in an attempt to show the interconnection of the aquifer between the current point of diversion for right 47-17589 and properties in the general vicinity of the proposed points of diversion. In addition, IDWR has approved transfer # 77406 (approved 11/1/2011) moving the Leno groundwater right to the Buhl area (further than the move proposed by this transfer).
- **Enlargement of Use:**
None anticipated. Conversion from irrigation to stock water and commercial use (based on consumptive use of irrigation right) will result in a net decrease in the allowable annual diversion volume.
- **Local Public Interest:**
No issues anticipated. The application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.