

Merritt, Allen

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Friday, August 29, 2014 12:31 PM
To: Merritt, Allen
Cc: Yenter, Cindy; Skinner, Corey; Robert E. Williams
Subject: FW:
Attachments: DOC000.pdf; 2014 WSB LEASE & POU POST-TRANS.jpg

Allen,

I was reviewing Transfer 78948 for Sun Rise Organic Dairy and found something that needs to be corrected. I worked with Jeff Cooper as the main IDWR agent on this transfer. I also have worked with Cindy Yenter as the Watermaster regarding this transfer.

The intent of the transfer is to transfer off acres to a dairy facility and create a 520.0 acre PPU with a 472.2 acre POU. The 520.0 acres PPU is intended to be the original POU shape before the transfer. Extensive discussion occurred with Jeff Cooper, Cindy Yenter and Sandra Thiel regarding the water bank acres, leases, rentals and other issues with this transfer. I called and talked with Corey Skinner today about this transfer and he was able to send me a copy of an email from the file that I had sent to IDWR staff regarding the purpose of the transfer. A portion of that email chain is attached to this email. I have also attached to this email an aerial map prepared June 9, 2014 that identifies the 520.0 acre PPU, the 472.2 acre POU and the leased 150.4 acres. I believe that I sent a copy of this aerial map and an explanation to Jeff, Cindy and Sandra.

The current 472.2 acre POU for 36-2254A, 36-2284 and 36-8401 as defined in Transfer 78948 is not acceptable. It is not acceptable because it leaves a large portion of the full pivot in Section 28 not covered by a water right. In order to correct this issue, a new transfer would have to be submitted and processed by IDWR. However, if the water rights 36-2254A, 36-2284 and 36-8401 are in the proposed 520.0 acre PPU, the remaining 472.2 acres of irrigation can be shifted to cover the hole in Section 28 with the new POU shape (see attached aerial map).

Please review the attached documents and the supporting documents to Transfer 78948 so that we can get this issue corrected and have a 520.0 acre PPU.

Thank you,

Greg Sullivan
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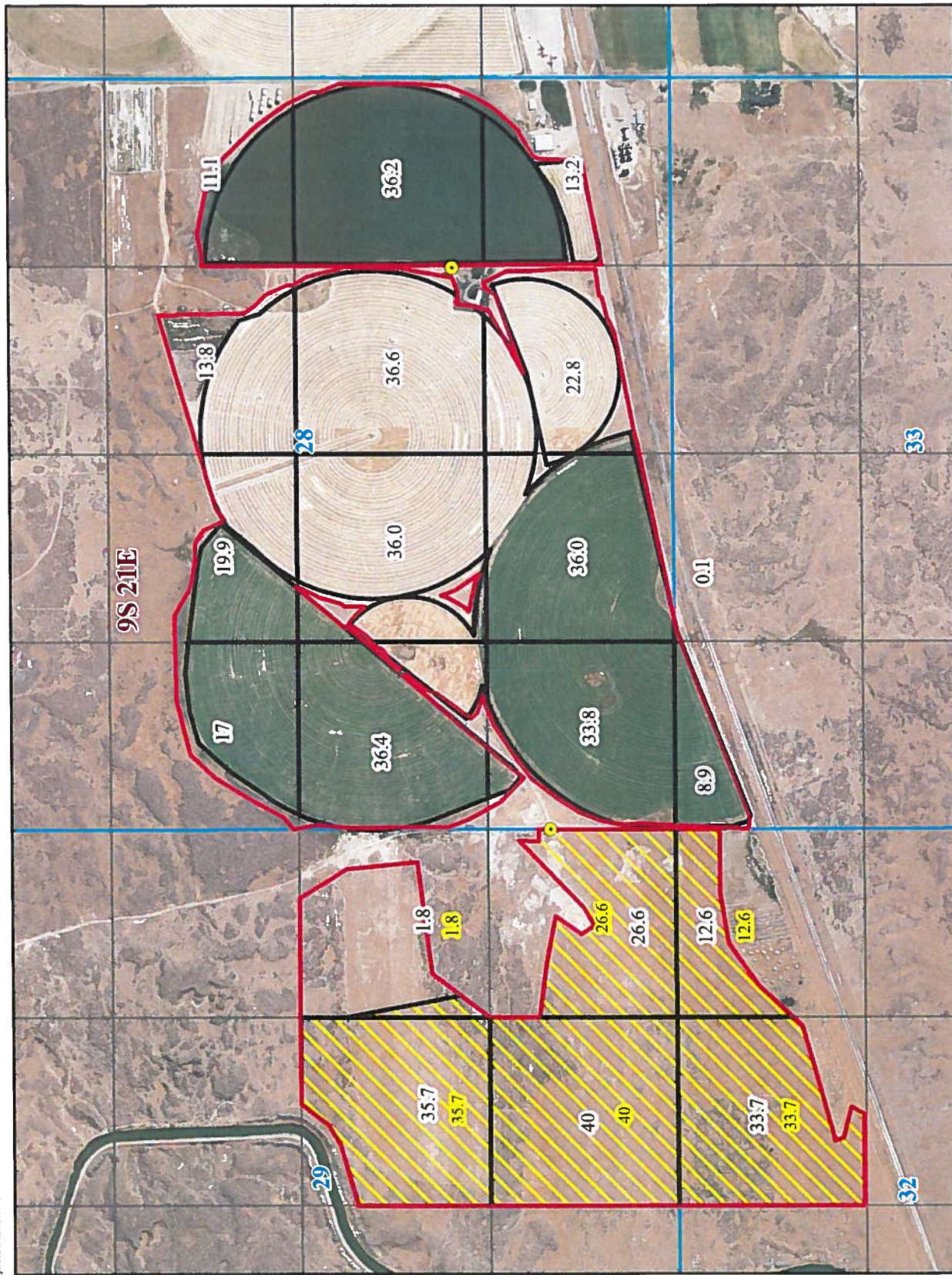
** Consider 25
Petition for reconsideration*

From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Friday, August 29, 2014 11:41 AM
To: Greg Sullivan
Subject:

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2247 / Virus Database: 3955/7619 - Release Date: 08/29/14



0 750 1,500 Feet

Legend

- Points_of_Division
- 36-2284_PPU 520 AC
- POU POST-TRAN 472.2 AC
- WSB_Lease_2014 = 150.4 AC
- Ownership
- Sections
- Adsec

REITSMASUNRISE ORGANIC - 36-2254A, 36-2284, & 36-8401
WSB LEASE AREAS/POU - POST-TRANSFERS 2014
NAIP 2013 AERIAL PHOTO.

Yenter, Cindy

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Friday, June 06, 2014 2:25 PM
To: Yenter, Cindy
Cc: Cooper, Jeff; Thiel, Sandra
Subject: RE: Sunrise transfers 78948 and 78949; Global Ag WSB rental application
Attachments: Exhibit A.pdf

Cindy, Jeff and Sandra,

The ironic part about your concern with the amended lease applications is that that new lease applications were submitted to the Water Bank several months ago but were returned because the transfer was not yet completed. So which branch of IDWR is right? Does the transfer need to be completed first or does the lease application need to be amended first? Please provide immediate guidance regarding this matter.

The water bank rental for Global Ag needs to be processed as soon as possible to allow them to irrigate their crops. The Global Ag rental should be able to be processed with or without the transfer being approved because the water rights are not being over allocated.

The intent of Transfer 78948 is only to provide stock and commercial water to the dairy facility. There is no mention in the transfer application to reduce the PPU acres. The transfer clearly identifies the 47.8 acres within the POU of these water rights to be transferred from the Northern half of the full pivot on this farm. As soon as Transfer 78948 is approved, a 206 map will be submitted to IDWR updating the POU within the authorized PPU. This action will not require another transfer. The PPU is not to be reduced because Sunrise Organic Dairy would then be irrigating outside of their authorized PPU and would be in violation of the conditions set forth in their water rights. I believe that I have discussions with IDWR staff regarding this issue and that the direction this transfer was taking was known to IDWR.

The reason why we have to use the acres within the pivot is because there are no crop records available for consumptive use calculations for the acres currently leased to the Water Supply Bank.

What does IDWR require to allow Transfer 78948 to be approved to maintain the 520.0 acre PPU?

An Exhibit A for transfer 78949 that did not include 36-2254A, 36-2284 and 36-8401 was submitted to Jeff Cooper with assignment of the transfers to John Reitsma with Sunrise Organic Dairy. I have attached Exhibit A for you to review.

Greg Sullivan
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From: Yenter, Cindy [mailto:Cindy.Yenter@idwr.idaho.gov]
Sent: Friday, June 06, 2014 12:26 PM
To: Greg Sullivan
Cc: Cooper, Jeff; Thiel, Sandra
Subject: Sunrise transfers 78948 and 78949; Global Ag WSB rental application

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-2254A

Current Owner: HORIZON ORGANIC DAIRY LLC
Priority Date: 3/16/1954
Origin: Water Right
Status: Water Supply Bank Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	4.36 CFS	1440 AF
	<u>Total Diversion</u>	4.36 CFS	1440 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4SE1/4	Sec. 28,	Twp 09S,	Rge 21E B.M.
JEROME County				
GROUND WATER	SW1/4SW1/4	Sec. 28,	Twp 09S,	Rge 21E B.M.
JEROME County				

Place of Use

IRRIGATION Within JEROME County

T09S R21E S28	SWNE	19.70	T09S R21E S28	SENE	13.50
T09S R21E S28	SWNW	20.20	T09S R21E S28	SENW	21.50
T09S R21E S28	NESW	38.50	T09S R21E S28	NWSW	37.60
T09S R21E S28	SWSW	34.70	T09S R21E S28	SESW	36.90
T09S R21E S28	NESE	37.80	T09S R21E S28	NWSE	37.70
T09S R21E S28	SWSE	27.00	T09S R21E S28	SESE	15.00
T09S R21E S29	NESE	22.20	T09S R21E S29	NWSE	35.70
T09S R21E S29	SWSE	40.00	T09S R21E S29	SESE	26.60
T09S R21E S32	NENE	12.60	T09S R21E S32	NWNE	33.70
T09S R21E S33	NENW	0.20	T09S R21E S33	NWNW	8.90

Total Acres: 520