

JUN 14 2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78001DEPT. OF WATER RESOURCES
SOUTHERN REGION**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A

* Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part I.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part I. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part I.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part I.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part I.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

Transfer No. 7800 /

JUN 14 2012

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

DEPT. OF WATER RESOURCES

Name of Applicant(s) **State of Idaho- Department of Transportation** Phone **208-886-7800**

Mailing address 216 S. Date St Shoshone, ID 83352 Email

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Charles G. Brockway and or Zach Latham- Brockway Engineering Phone 208-736-8543

Mailing address 2016 N. Washington St. Suite 4 Twin Falls, ID 83301 Email

- ☐ Send all correspondence for this application to the representative and not to the applicant.

OR

- ☒ Send original correspondence to the applicant and copies to the representative.

- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Jack Shambrough
Signature of Applicant or Authorized Representative

Signature of Applicant or Authorized Representative

Jack Shambaugh, STP, ITD-D4

Print Name and Title if applicable

June 13, 2012

Date _____

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date _____

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Applicant seeks to transfer a portion of existing irrigation water right 43-12925 to ITD Cotterell Rest Area and POE. Please refer to the attached mitigation narrative for details.**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	43-2572	0.02 / 4.2	Domestic	01/01 to 12/31	Ground Water
☐ ☒	43-12925	0.17 / 34.4	Irrigation	4/01 to 10/31	Ground Water
☐ ☒	43-12925	0.20 / 4.4	Domestic	01/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.22 cfs and/or 43.0 ac-ft

2. Total amount of water proposed to be transferred or changed 0.22 cubic feet per second and/or 43.0 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
XX			SE	SW	34	10S	26E	CASSIA	GROUND WATER	NEW WELL
			SE	SW	34	10S	26E	CASSIA	GROUND WATER	EXISTING WELL

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	26E	34									4.5		4.5	13.2					22.2
11S	26E	3			0.1		1.5			1.3					0.1	1.1		1.2	5.3
10S	26E	34									D		D	D					

* Irrigation limited to 0.17 cfs and 8.6 acres within POU. Total Acres (for irrigation use) 27.5*
* Commercial use limited to 0.22 cfs and 8.6 acre-ft annually.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Applicant utilizes existing domestic well for ITD Cotterell Rest Area and Point of Entry water supply. Applicant seeks to add a POD as a backup and to allow for additional future water usage at the facility.
- b. Who owns the property at the point(s) of diversion? Applicant.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: N/A.
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A.
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: 10.0 acres will no longer be irrigated at the present place of use under 43-12925. Please refer to the attached mitigation narrative for details.
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: 43-2572 will continue to be used at the ITD Rest Area and POE facility. Please refer to the attached mitigation narrative for details.

f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: N/A.

Total Acres (for irrigation use)	10.0
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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 43-12925

Current Owner: STATE OF IDAHO

Priority Date: 9/27/1954

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.18 CFS	436 AF
	<u>Total Diversion</u>	2.18 CFS	436 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4SW1/4NW1/4 Sec. 25, Twp 11S, Rge 26E B.M.
CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T11S R26E S25	NENW	19.00	T11S R26E S25	NWNW	12.00
T11S R26E S25	SWNW	39.00	T11S R26E S25	SENW	39.00

Total Acres: 109

Conditions of Approval:

1. S40 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Decreed Date: 6/28/2002

Page 6 of _____

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

Current Water Right No.: 43-2572

Current Owner: STATE OF IDAHO

Priority Date: 10/25/1963

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.02 CFS	
	<u>Total Diversion</u>	0.02 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 34,	Twp 10S,	Rge 26E B.M
CASSIA County				

Place of Use

DOMESTIC Within CASSIA County

T10S R26E S34 SESW

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. COTTERELL PORT OF ENTRY

Decreed Date: 6/28/2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☒ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.: N/A.

FOR DEPARTMENT USE ONLY

Transfer contains pages and attachments.

Received by SOUTHERN Date 6/14/2012 Prelim. Check by _____ Date _____

Fee Paid 500.00 Date 6/14/2012 Received by P. SKINNER Receipt # 5032630

Add'l Fee Paid	Date	Received by	Receipt #
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Mitigation Plan for Application for Transfer- Idaho Transportation Department

To: Mr. Allen Merritt, IDWR Southern Region Office
From: Zach Latham
Cc: ITD - Shoshone Office, Keller Associates
Date: June 14th, 2012
Re: ITD Cotterell Rest Area Water Right Transfer Application with
Mitigation

This memo describes a mitigation plan for the application for transfer filed on behalf of the Idaho Transportation Department (ITD) for the Cotterell rest area and Point of Entry (POE), located southeast of Burley along Interstate 84. ITD has an existing groundwater right for the facility, but is engaged in an extensive renovation and expansion of the facility and estimated future water use will necessitate an additional supply of domestic and irrigation water. The intent of the application is to provide the additional authorization by transferring and retiring a portion of existing irrigation water right 43-12925. This water right is situated 4 miles to the south and is owned by ITD. The applicant seeks a ground water diversion rate of 0.20 cfs (90 gpm) and an annual diversion volume of 4.4 acre-feet for domestic use at the ITD facility. The applicant also seeks 8.6 acres of new irrigation at the rest area by permanently idling 8.6 acres within the existing place of use of irrigation water right 43-12925.

Existing domestic water right 43-2572 is appurtenant to the ITD facility for domestic use and is currently the only source of water for the facility. This domestic water right is limited to 0.02 cfs and has no annual volume limitation. The best estimate for consumptive use associated with this water right is 4.2 acre-feet based on current usage at the facility. More detail on historic water usage may be found in the attached document entitled Cotterell Rest Area Task 3.2, Water Rights Assessment Revision 1, prepared by Keller Associates (this firm is the general engineer employed by ITD for the planning and design of the facility expansion). The current water use is 100% consumptive as all of the waste water from the facility evaporates in existing total containment lagoons. A living snow fence encompassing 5.9 acres is irrigated on ITD property immediately west of the facility and is not currently authorized by an irrigation water right. Ground water right 43-12925 owned by ITD is appurtenant to 109 acres within T. 11 S., R. 26 E., Sec. 25 and allows a diversion of 2.18 cfs and 436 acre-feet annually from April 1st through October 31st. A portion of this water right will be retired in order to achieve full mitigation of the additional consumptive use at the facility above the 4.2 acre-feet currently assumed to be supplied by 43-2572. Both water right 43-12925 and the ITD facility are within the Raft River Critical Ground Water Area.

ITD plans to expand the rest area and point of entry facility to serve future projected increased use, which will require adequate water for both components of the facility (domestic and irrigation). Domestic potable use at the facility will continue to be fully consumptive, with the waste water being disposed in total containment lagoons. The projected annual volume needed for domestic use for the design year 2065, average day potable demand (includes the rest area

and the point of entry), is estimated to be 8.6 acre-feet. Historically, 4.2 acre-feet annually has been provided to the rest area for domestic uses by 43-2572, leaving 4.4 acre-feet annually needed for the design year 2065 projected use. The additional 4.4 acre feet needed (100% consumptive) for domestic use is proposed to be supplied by converting a portion of 43-12925 from irrigation to domestic use. FSA crop records indicate alfalfa has been grown within the 43-12925 POU as recent as 2011. The annual precipitation deficit (P_{def}) value as reported by Allen and Robison 2009¹ for a crop of "Alfalfa - Frequent Cuttings" at the Malta National Weather Service near the ITD Cotterell facility is 995 mm or 3.26 ac-ft per acre. The projected additional 4.4 acre-feet needed for domestic use at the facility (100% consumptive) would require 1.35 acres of alfalfa to be dried up (4.4 acre-feet per acre / 3.26 ft per acre = 1.35 acres) under water right 43-12925. This value was rounded up to 1.4 acres for the application.

ITD's expansion also requires a peak instantaneous flow rate of 85 gallons per minute or 0.19 cfs for domestic use (rounded up to 0.20 cfs for the application) although the peak flow rate will rarely be used. The irrigation diversion rate associated with the proposed acres to be irrigated at the facility is 0.17 cfs. The total diversion rate is proposed to be limited to 0.22 cfs under 43-2572 and 43-12925, as irrigation will be occurring during the nighttime hours when the potable use is low. Therefore, the transfer application proposes 0.20 cfs and 4.4 acre-feet annually for domestic use and 0.17 cfs and 34.4 acre-feet annually for irrigation use, limited to 0.22 cfs and 43.0 acre feet per year when including 43-2572. The volume limitation will ensure that no increase in consumptive use due to the new domestic use will occur beyond the current depletion attributable to the 1.4 acres of alfalfa to be retired.

In addition to the increased need for a domestic use, an increased future need for irrigated acres at the ITD rest area and POE is anticipated. Approximately 5.9 acres of living snow fence comprised of trees are being watered immediately west of the facility using 43-2572 as a source. Because irrigation is not a use associated with this water right, ITD proposes to retire 5.9 acres from 43-12925 to allow these trees to continue to be irrigated. An additional 2.7 acres of irrigated landscaping is anticipated at full build-out at the rest area and POE. ITD therefore proposes to retire 2.7 acres from 43-12925 to allow for the anticipated future irrigated area. Total irrigation to be proposed to be idled at the present POU associated with 43-12925 is 10.0 acres (1.4 acres to be converted to domestic use + 5.9 acres of living snow fence trees + 2.7 acres of additional irrigation = 10.0 irrigated acres total).

Maps showing the location of the 10 acres to be idled under 43-12925 for transfer mitigation and the proposed places of use for irrigation and domestic uses at the ITD facility are attached. Based on the above calculations, no increase in annual diversion volume or net aquifer depletion will occur under the proposed transfer and mitigation plan.

Additional information is provided with the transfer application, including FSA records documenting the irrigation of alfalfa under 43-12925, a site plan prepared by Keller Associates illustrating the proposed location of the new well, and a preliminary well design drawing for the new well.

¹ Allen, Richard G. and Clarence W. Robison, 2009. *Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008*, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.

ITD- COTTERELL WATER RIGHT TRANSFER APPLICATION

WR SPLIT CALCULATIONS

BROCKWAY ENGINEERING PLLC

6/14/2012

*ACRES TO BE IDLED UNDER 43-12925 AND USED FOR IRRIGATION AT ITD COTTERELL REST AREA =

8.6 Acres

*ACRES TO BE IDLED UNDER 43-12925 AND USED FOR COMMERCIAL AT ITD COTTERELL REST AREA =

1.4 Acres

TOTAL EXISTING IRRIGATED ACRES UNDER 43-12925 =

109.0 Acres

PERCENTAGE OF WR 43-12925 TO BE IDLED AND USED AT ITD COTTERELL REST AREA =

9.2%

Existing ITD Water Rights:

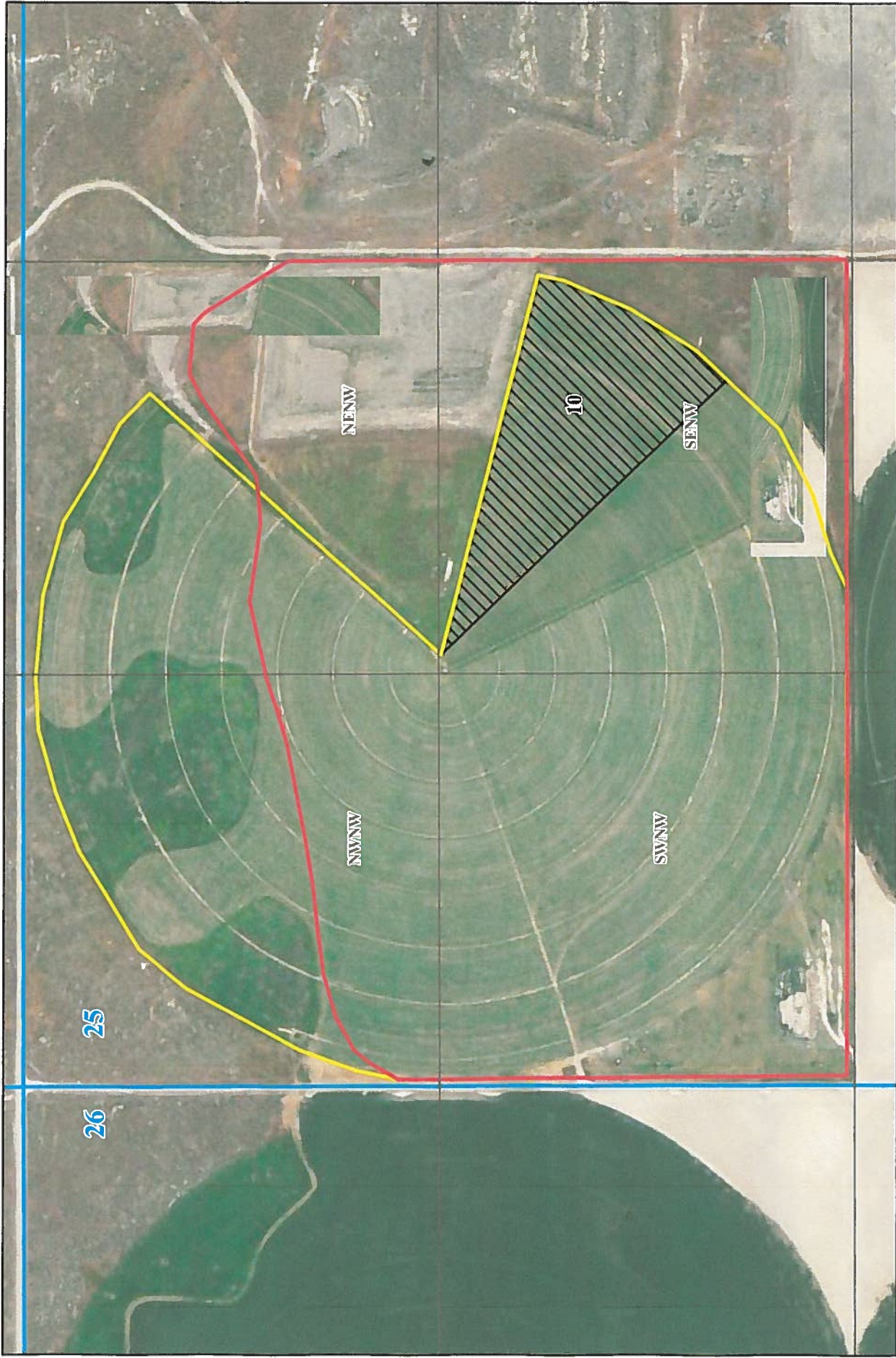
RIGHT #	43-12925	43-2572
SOURCE	GROUND WATER	GROUND WATER
CURRENT OWNER	STATE OF IDAHO- DEPT. OF TRANSPORTATION	STATE OF IDAHO- DEPT. OF TRANSPORTATION
PRIORITY DATE	9/27/1954	10/25/1963
BASIS	DECREED	DECREED
USE	IRRIGATION	DOMESTIC
Diversion Rate	2.18 CFS	0.02 CFS
Diversion Volume	436.0 AFA	N/A
WR Acre LIMIT	109.0 Acres	N/A

Water Rights Proposed to be Used at ITD Cotterell Rest Area:

RIGHT #	43-12925 Portion	43-12925 Portion	43-2572
SOURCE	GROUND WATER	GROUND WATER	GROUND WATER
CURRENT OWNER	STATE OF IDAHO- DEPT. OF TRANSPORTATION	STATE OF IDAHO- DEPT. OF TRANSPORTATION	STATE OF IDAHO- DEPT. OF TRANSPORTATION
PRIORITY DATE	9/27/1954	9/27/1954	10/25/1963
BASIS	DECREED	DECREED	DECREED
PROPOSED USE	IRRIGATION	COMMERCIAL	DOMESTIC
Diversion Rate Idled at Present POU:	0.17 CFS	0.03 CFS	0.02 CFS
Diversion Volume Idled at Present POU, Used at ITD Cotterell Rest Area:	34.4 AFA	4.4 AFA	4.2 AFA
Acres of Irrigation Idled at Present POU, Used at ITD Cotterell Rest Area:	8.6 Acres	1.4 Acres	0.5 Acres

Portion of 43-12925 to Remain at Present POU:

RIGHT #	43-12925 Portion
SOURCE	GROUND WATER
CURRENT OWNER	STATE OF IDAHO- DEPT. OF TRANSPORTATION
PRIORITY DATE	9/27/1954
BASIS	DECREED
PROPOSED USE	IRRIGATION
Remaining Diversion Rate at Present POU:	1.98 CFS
Remaining Diversion Volume at Present POU:	396.0 AFA
Remaining Acre Limit at Present POU:	99.0 Acres



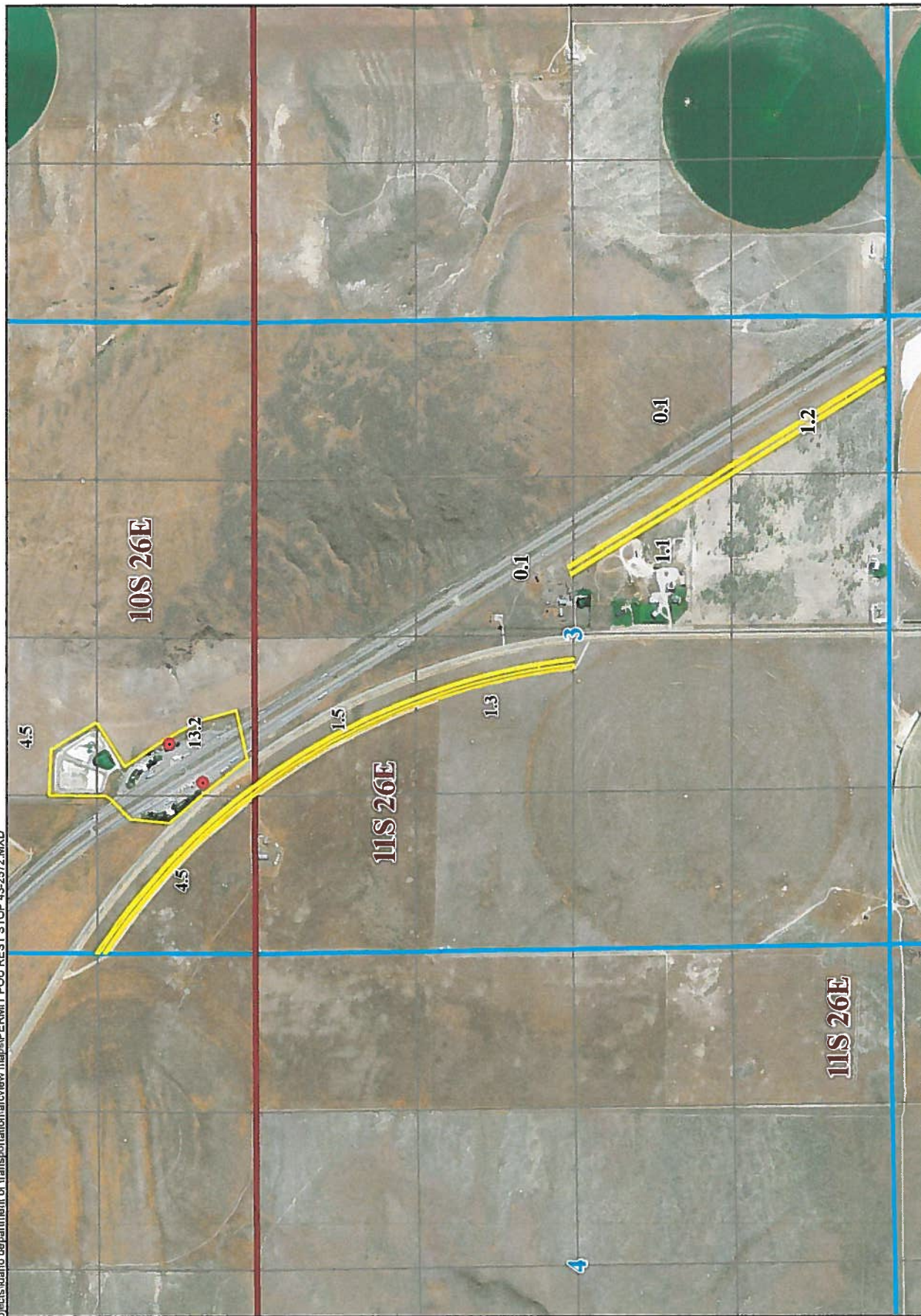
0 200 400 800 Feet

**ITD 43-12925 WR
TRANSFER 10 ACRES TO REST STOP
2011 NAIP AERIAL PHOTOGRAPH**

Legend

- IDT_WR_POU
 - lades
 - wnshp
 - first
 - Transfer Off
- 43-12925 2011 Irrigated Area 2-1-12

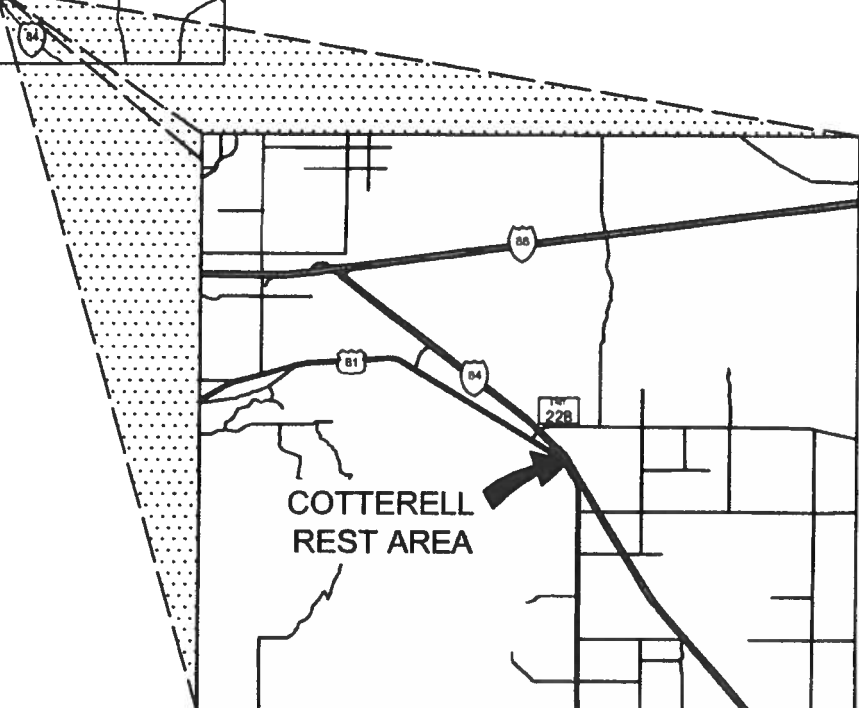
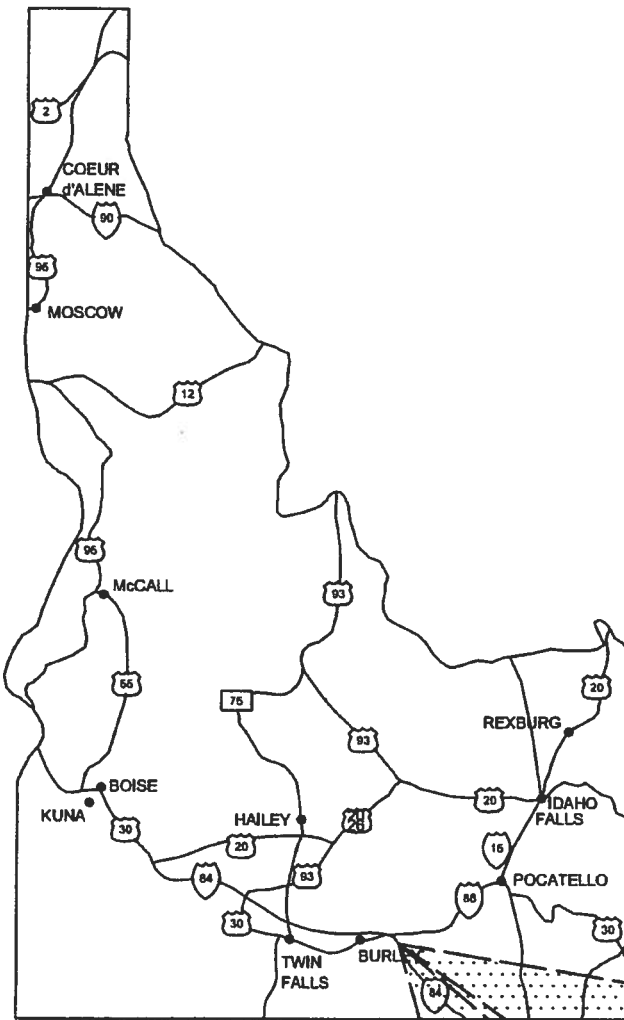
f:\projects\idaho department of transportation\arcview maps\PERMIT POU REST STOP 43-2572.MXD



IDAHO TRANSPORTATION DEPARTMENT
TRANSFER APPLICATION MAP
NAIP 2011 AERIAL



BROCKWAY ENGINEERING, PLLC.
ALR JUNE 7, 2012



**COTTERELL
REST AREA**



**KELLER
associates**

COTTERELL REST AREA

VICINITY MAP

PROJECT NO: 211075
FIGURE NO:



0 150 300

EXISTING LAGOONS

EXISTING STORM PIPE,
ACTUAL LOCATION
UNKNOWN, MAY NEED TO
BE RELOCATED UNDER
SEPARATE CONTRACT

R50'

PROPOSED WELL

REST
AREA
BUILDING

POE
BUILDING

I-84

EXISTING WELL

P:\3110\PROJECT DEVELOPMENT\Well Drilling Contract\Figure 2 - Proposed Well Location.dwg DATE: 02/24/2012 TIME: 02:13:27 PM

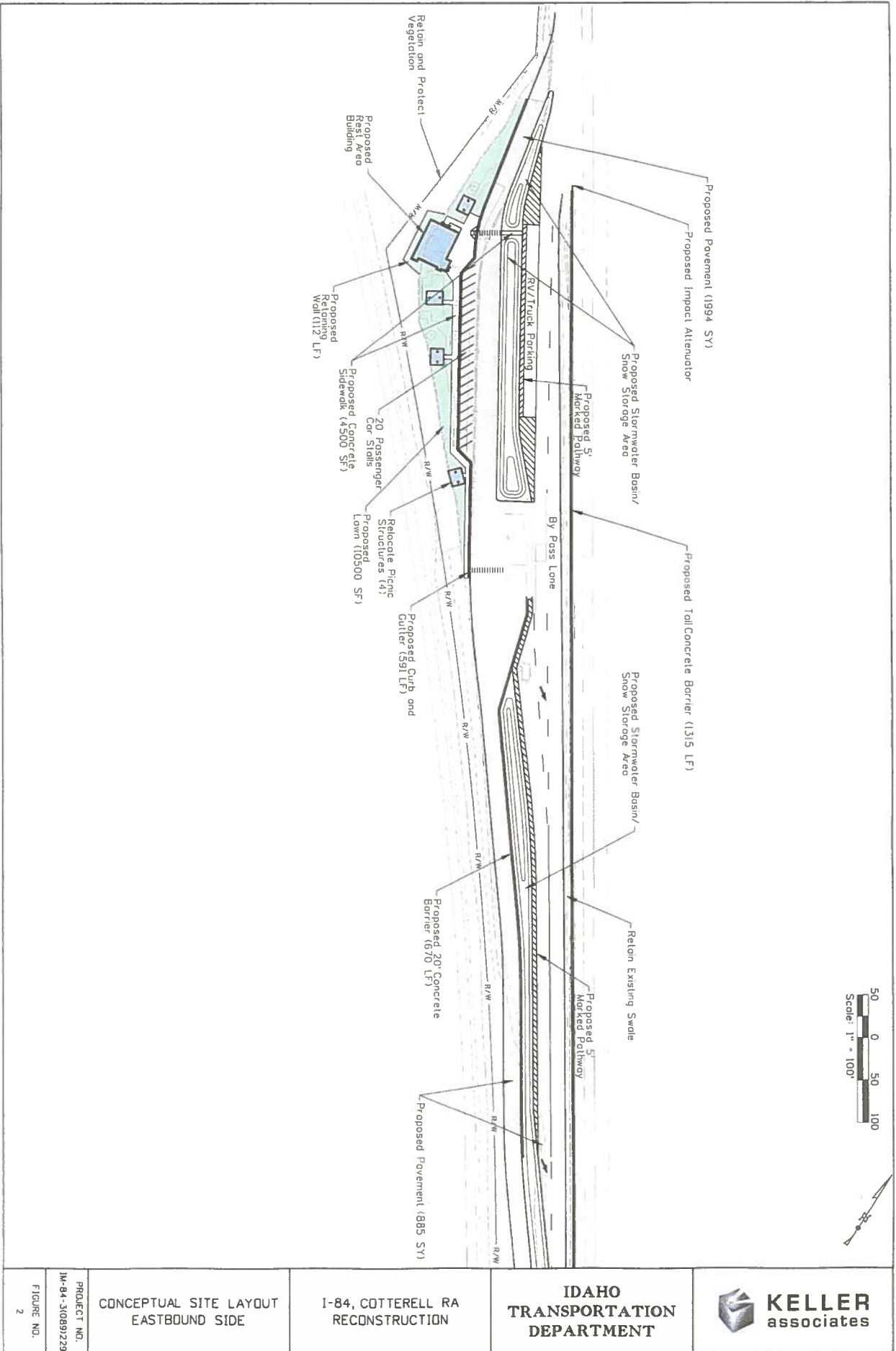


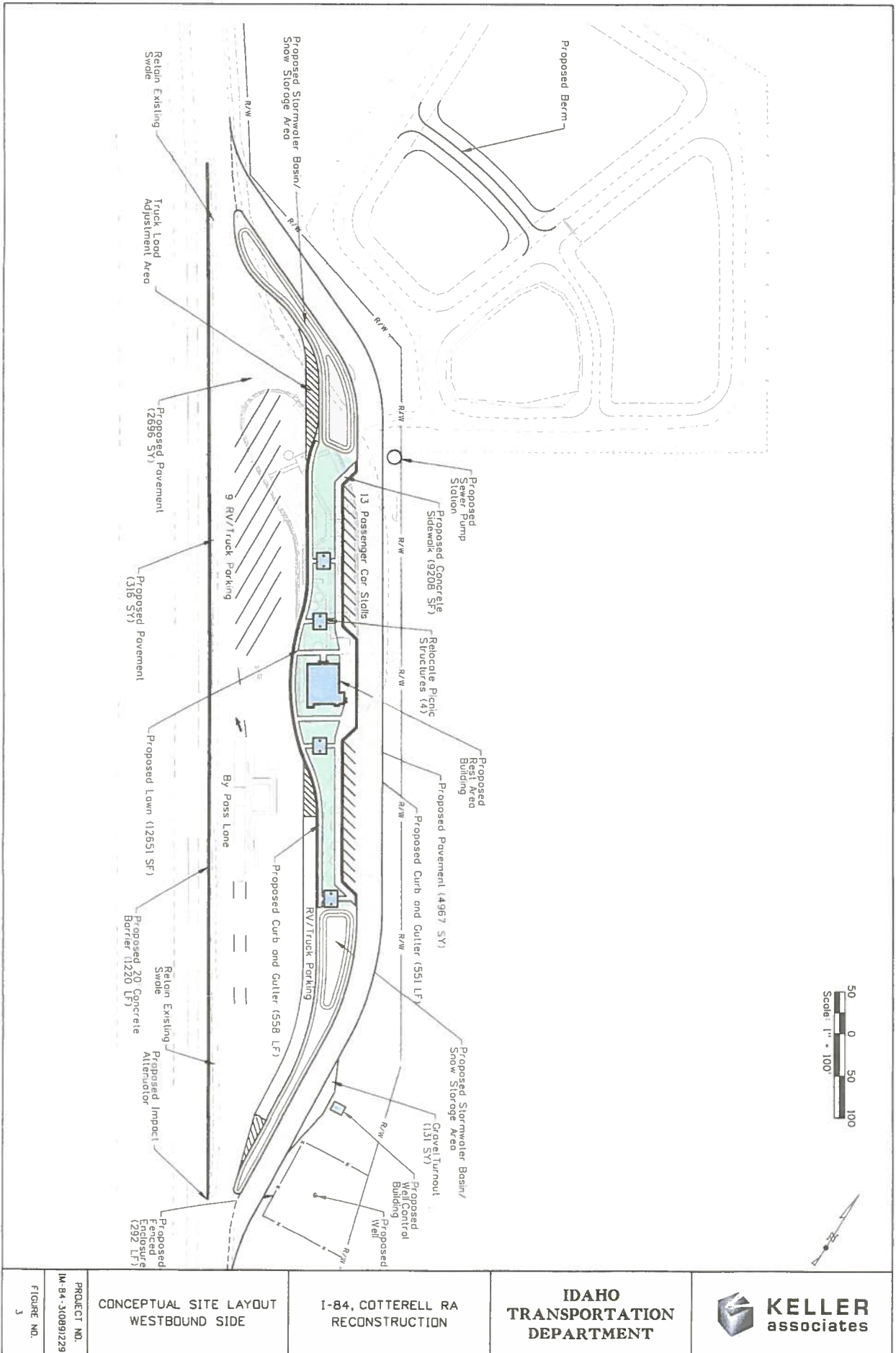
KELLER
associates

COTTERELL REST AREA

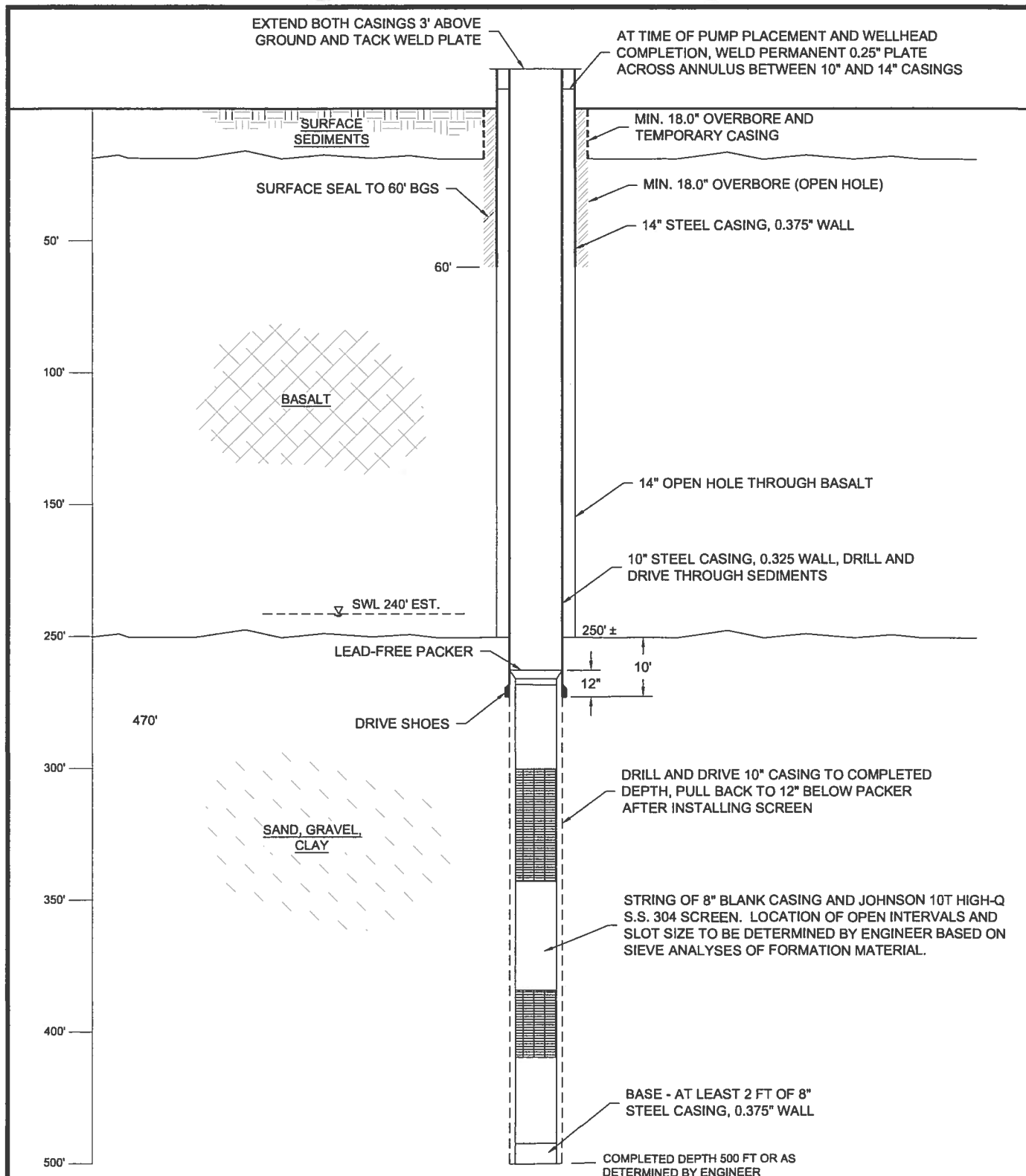
PROPOSED WELL LOCATION

PROJECT NO: 211075
FIGURE NO:





 KELLER associates	IDAHO TRANSPORTATION DEPARTMENT	I-84, COTTERELL RA RECONSTRUCTION	CONCEPTUAL SITE LAYOUT WESTBOUND SIDE	PROJECT NO. IM-84-310891229 FIGURE NO. 3
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NOT FOR CONSTRUCTION

REV	DESCRIPTION	DATE
A	ISSUED FOR REVIEW	12-7-2011

THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.

SCALE: N.T.S.
BLD 4-11-0900 094.11

DESIGNED BY
CGB

DRAWN BY
CGB

BROCKWAY ENGINEERING, PLLC
HYDRAULICS - HYDROLOGY - WATER RESOURCES
2016 NORTH WASHINGTON, SUITE 4
WTIN FALLS, ID 83301
(208) 736-8543

IDAHO TRANSPORTATION DEPARTMENT
COTTRELL POE AND REST AREA WELL

CONSTRUCTION SCHEMATIC

PROJECT #
1140-01-2011

DWG#
1

REV
A

FSA-578(02-01-91)

REPORT OF COMMODITIES

PROGRAM YEAR 2007

FARM NUMBER: 4729

FARM AND TRACT DETAIL LISTING

DATE: 03-12-2012

Operator Name and Address IO

Original: _____

THAYNE BUCK 5926

Revision: _____

44 S 1050 E

OECL0, IO

83323-5044

Cropland: 123.4

Farmland: 160.0

Tract Number	CLU/ Field	Irr Prc	C/C	Var/ Type	Int Use	Lnd Use	Rpt Unt	Reported Quantity	Determined Quantity	Crp Lnd	O/ M	C/C Stat	Prod Share	Prod IO	RMA Unt	Opt Unt
1552	1	Ni	FALOW				A	7.20		Y		I	.6000 .4000	5926 9231		
	2	Ir	OATS	SPR	Grain		A	108.90		Y		I	.6000 .4000	5926 9231		
	3	Ni	FALOW				A	7.30		Y		I	.6000 .4000	5926 9231		

C/C	Type	Prac	IU	Non-Irrig	Irrigated	C/C	Type	Prac	IU	Non-Irrig	Irrigated
FALOW		N		14.50		OATS	SPR	I	GR		108.90

Photo Number/Legal Description: None

Cropland:	123.4	Reported on Cropland:	123.40	Difference:	.00	Reported on Non-Cropland:	.00
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FSA-578 (02-01-91)

REPORT OF COMMODITIES

PROGRAM YEAR 2007

FARM NUMBER: 4729

FARM SUMMARY

DATE: 03-12-2012

Operator Name and Address ID

THAYNE BUCK 5926
 44 S 1050 E
 DELO, ID 83323-5044

Original: _____

Revision: _____

Cropland: 123.4

Farmland: 160.0

NOTE: The authority for collecting the following information is Pub.L 107-76. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

Producer Name	ID	C/C	Share	C/C	Share
THAYNE BUCK	5926	OATS	.6000	FALLOW	.6000
MARILYN BUCK	9231	OATS	.4000	FALLOW	.4000

Crop Type	Prac IU	Reported	Determined	Crop Type	Prac IU	Reported	Determined
FALLOW	N	14.50		OATS	SPR I GR	108.90	

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land.

Operator's Signature _____

Date _____

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

FSA-578 (02-01-91)

REPORT OF COMMODITIES

FARM AND TRACT DETAIL LISTING

PROGRAM YEAR 2008

FARM NUMBER: 4729

DATE: 03-12-2012

Operator Name and Address IO

 THAYNE BUCK
 44 S 1050 E
 OECL0, ID 83323-5044

Original: _____

Revision: _____

Cropland: 123.4

Farmland: 160.0

Tract Number	CLU/Field	Irr Prc	C/C	Var/Type	Int Use	Lnd Use	Rpt Unt	Reported Quantity	Determined Quantity	Crp Lnd	O/H	C/C Stat	Prod Share	Prod ID	RMA Unt	Opt Unt
1552	1	Ni	FALOW				A	7.20		Y		I	.6000	5926		
	2	Ir	BARLY	SPR	Grain		A	108.90		Y		I	.6000	5926		
	3	Ni	FALOW				A	7.30		Y		I	.6000	5926		
													.4000	9231		

C/C Type	Prac	IU	Non-Irrig	Irrigated	C/C Type	Prac	IU	Non-Irrig	Irrigated
BARLY	SPR	I	GR	108.90	FALOW	H		14.50	

Photo Number/Legal Description: None

Cropland: 123.4 Reported on Cropland: 123.40 Difference: .00 Reported on Non-Cropland: .00

FSA-578(02-01-91)

REPORT OF COMMODITIES

PROGRAM YEAR 2008

FARM NUMBER: 4729

FARM SUMMARY

DATE: 03-12-2012

Operator Name and Address ID
 THAYNE BUCK 5926
 44 S 1050 E
 DECLEO, IO 83323-5044

Original: _____

Revision: _____

Cropland: 123.4

Farmland: 160.0

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Producer Name	ID	C/C	Share	C/C	Share
THAYNE BUCK	5926	BARLY	.6000	FALOW	.6000
MARILYN BUCK	9231	BARLY	.4000	FALOW	.4000

Crop Type	Prac	IU	Reported	Determined	Crop Type	Prac	IU	Reported	Determined
BARLY	SPR	I	GR	108.90	FALOW		II	14.50	

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Operator's Signature _____

Date _____

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FSA-578(02-01-91)

REPORT OF COMMODITIES

PROGRAM YEAR 2009

FARM NUMBER: 4729

FARM AND TRACT DETAIL LISTING

DATE: 03-12-2012

Operator Name and Address

THAYNE BUCK
44 S 1050 E
OECLO. ID

83323-5044

Original: _____

Revision: _____

Cropland: 123.4

Farmland: 160.0

Tract Number	CLU/ Field	C/C	Var/ Type	Irr/ Prc	Int Use	Lnd Use	C/C Stat	Rpt Unt	Reported Quantity	Determined Quantity	Crp Lnd	O/ M	Planting Date
1552	1	FALOW		NI			I	A	7.20		Y		
		Producer	THAYNE BUCK MARILYN BUCK						Share .6000 .4000	RMA Unit			Opt Unit
	2	ALFAL		1r	Forage		I	A	108.90		Y		10-01-2008
		Producer	THAYNE BUCK MARILYN BUCK						Share .6000 .4000	RMA Unit			Opt Unit
	3	FALOW		NI			I	A	7.30		Y		
		Producer	THAYNE BUCK MARILYN BUCK						Share .6000 .4000	RMA Unit			Opt Unit

C/C Type	Prac IU	Non-Irrig	Irrigated	C/C Type	Prac IU	Non-Irrig	Irrigated
ALFAL	I FG		108.90	FALOW	N		14.50

Photo Number/Legal Description: 0016 S25 T11 R26

Cropland:	123.4	Reported on Cropland:	123.40	Difference:	.00	Reported on Non-Cropland:	.00
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FSA-578 (02-01-91)

REPORT OF COMMODITIES

PROGRAM YEAR 2009

FARM NUMBER: 4729

FARM SUMMARY

DATE: 03-12-2012

Operator Name and Address

THAYNE BUCK
44 S 1050 E
DEELO, ID

83323-5044

Original: _____

Revision: _____

Cropland: 123.4

Farmland: 160.0

NOTE: The authority for collecting the following information is Pub.L 107-76. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

Producer Name

THAYNE BUCK

C/C

Share

ALFAL .6000

C/C

Share

FALOW .6000

MARILYN BUCK

ALFAL .4000

FALOW .4000

Crop Type	Prac	IU	Reported	Determined	Crop Type	Prac	IU	Reported	Determined
ALFAL	I	FG	108.90		FALOW	N		14.50	

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land.

Operator's Signature

Date

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FSA-578 (02-01-91)

REPORT OF COMMODITIES

PROGRAM YEAR 2010

FARM NUMBER: 4729

FARM AND TRACT DETAIL LISTING

DATE: 03-12-2012

Operator Name and Address

THAYNE BUCK
44 S 1050 E
DEELO, ID

83323-5044

Original: _____

Revision: _____

Cropland: 103.4

Farmland: 160.0

Tract Number	CLU/ Field	C/C	Var/ Type	Irr/ Prc	Int Use	Lnd Use	C/C Stat	Rpt Unt	Reported Quantity	Determined Quantity	Crp Lnd	O/ M	Planting Date
1552	3	ALFAL		Ir	Forage		I	A	88.30		Y		10-01-2008
		Producer			THAYNE BUCK MARILYN BUCK				Share .6000 .4000	RMA Unit			Opt Unit
	4	FALOW		Ni			I	A	7.80		Y		
		Producer			THAYNE BUCK MARILYN BUCK				Share .6000 .4000	RMA Unit			Opt Unit
	5	FALOW		Ni			I	A	7.30		Y		
		Producer			THAYNE BUCK MARILYN BUCK				Share .6000 .4000	RMA Unit			Opt Unit

C/C	Type	Prac	IU	Non-Irrig	Irrigated	C/C	Type	Prac	IU	Non-Irrig	Irrigated
ALFAL	I	FG			88.30	FALOW	N			15.10	

Photo Number/Legal Description: DD16 S25 T11 R26

Cropland:	103.4	Reported on Cropland:	103.40	Difference:	.00	Reported on Non-Cropland:	.00
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FSA-578 (02-01-91)

REPORT OF COMMODITIES

PROGRAM YEAR 2010

FARM NUMBER: 4729

FARM SUMMARY

DATE: 03-12-2012

Operator Name and Address

THAYNE BUCK
44 S 1050 E
DEELO, ID

B3323-5044

Original: _____

Revision: _____

Cropland: 103.4

Farmland: 160.0

NOTE: The authority for collecting the following information is Pub.L 107-76. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

Producer Name
THAYNE BUCKC/C Share
ALFAL .6000C/C Share
FALOW .6000

MARILYN BUCK

ALFAL .4000

FALOW .4000

Crop Type	Prac	IU	Reported	Determined	Crop Type	Prac	IU	Reported	Determined
ALFAL	I	FG	88.30		FALOW	N		15.10	

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land.

Operator's Signature

Date

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PROGRAM YEAR: 2011

FSA - 578 (02-01-91)

REPORT OF COMMODITIES FARM AND TRACT DETAIL LISTING

Farm Number: 4729

Operator Name and Address

THAYNE BUCK

44 S 1050 E

DECLO, ID 83323-5044

DATE: 3-12-2012
PAGE: 1

Original:

Revision:

Cropland: 103.4

Farmland: 160.0

Tract Number	CLU/Field	Crop/Commodity	Variety/Type	Irr Prc	Int Use	Actual Use	Land Use	C/C Status	Reporting Unit	Reported Quantity	Determined Quantity	Crop Land	Official/Measured	Planting Date	Planting Period	End Date
1552	3	ALFAL	Producer MARILYN BUCK	I	FG			I	Share 40.00	88.30	RMA Unit	Yes		10-1-2008		
			THAYNE BUCK						60.00							
	4	FALOW	Producer MARILYN BUCK	N				I	Share 40.00	7.80	RMA Unit	Yes				
			THAYNE BUCK						60.00							
	5	FALOW	Producer MARILYN BUCK	N				I	Share 40.00	7.30	RMA Unit	Yes				
			THAYNE BUCK						60.00							

Cr/Co ALFAL

Var/Type I

Irr Prc 1

Int Use FG

Non-Irrig

Irrigated 88.30

Cr/Co FALOW

Var/Type

Irr Prc N

Int Use

Non-Irrig 15.10

Irrigated

Cr/Co

Var/Type

Irr Prc

Int Use

Non-Irrig

Irrigated

Photo Number/Legal Description: DD16 S25 T11 R26

Reported on Cropland: 103.40

Cropland: 103.40

Difference: 0.00

Reported on Non-Cropland: 0

Cassia, Idaho

FSA - 578 (02-01-91)

Farm Number: 4729

Operator Name and Address

THAYNE BUCK
44 S 1050 E
DECLO, ID 83323-5044

REPORT OF COMMODITIES FARM SUMMARY

PROGRAM YEAR: 2011

DATE: 3-12-2012
PAGE: 2

Original: _____

Revision: _____

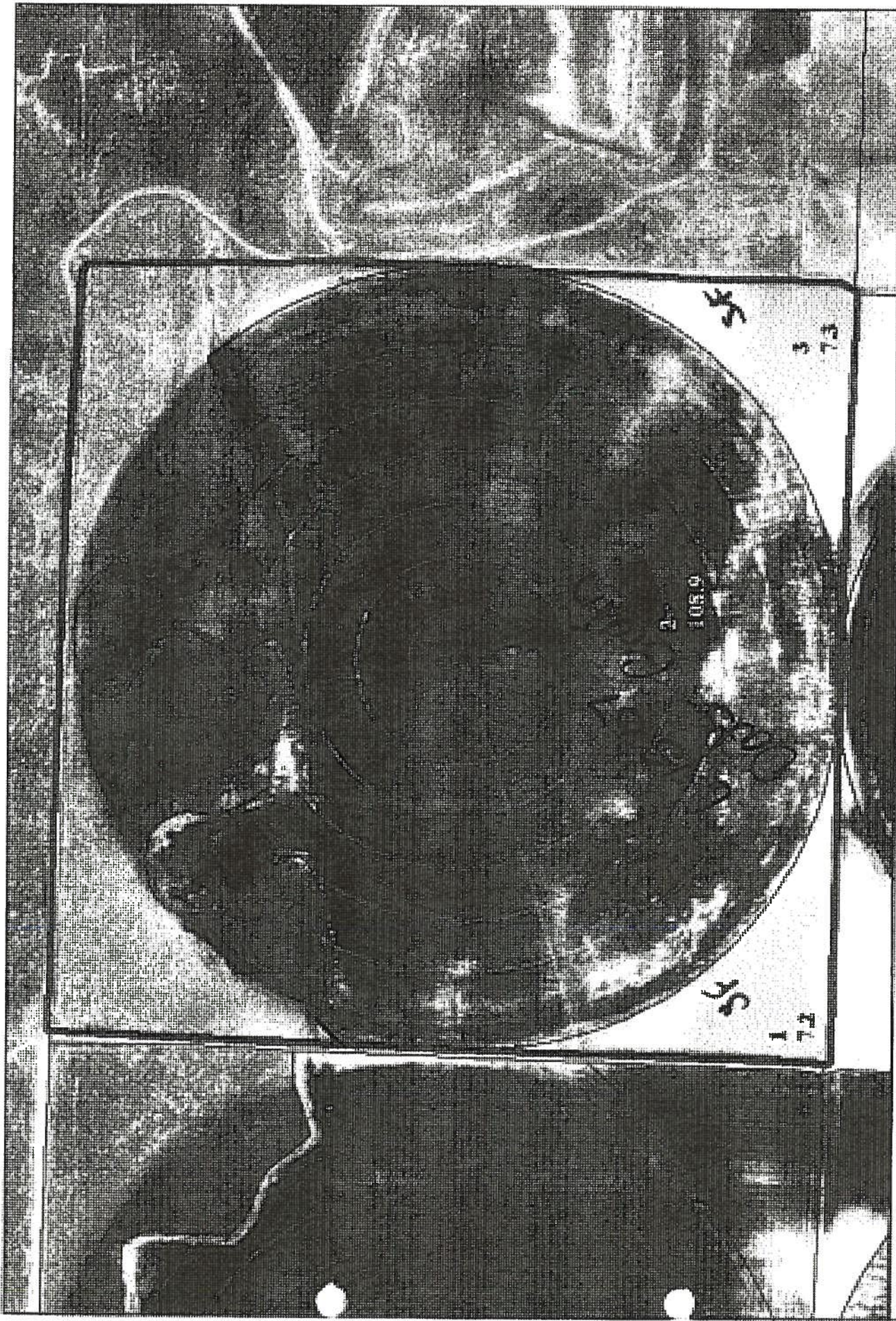
Cropland: 103.4

Farmland: 160.0

NOTE: The authority for collecting the following information is Pub.L. 107-76. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

Producer Name		C/C		Share	C/C		Share	C/C		Share	
MARILYN BUCK		FALOW		40.00	ALFAL		40.00	ALFAL		40.00	
THAYNE BUCK		FALOW		60.00	ALFAL		60.00	ALFAL		60.00	
Crop/ Commodity	Variety/ Type	Irrigation Practice	Intended Use	Reported Quantity	Determined Quantity	Crop/ Commodity	Variety/ Type	Irrigation Practice	Intended Use	Reported Quantity	Determined Quantity
ALFAL		I	FG	88.30		FALOW		N		15.10	
OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct and that all required crops and land uses have been reported for the farms as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land.											
Operator's Signature (By)											

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Map of Farm 1114 Tract 1552
 Farm Service Agency
 1161 E 16th St
 Berkeley, Idaho



Map prepared Aug 21, 1964

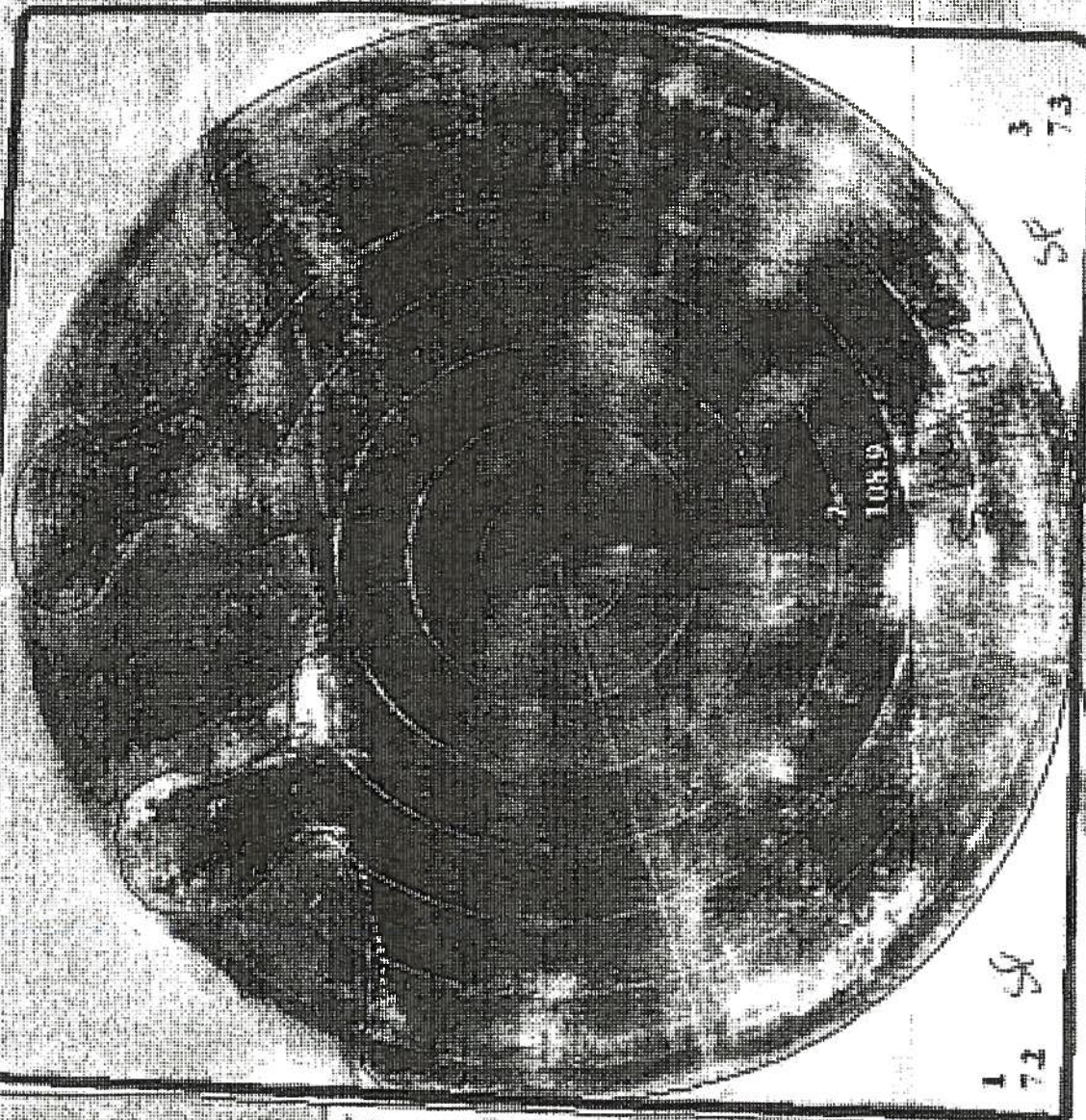
Map of Farm 1314 Tract 1352
 Farm Service Agency
 1341 E 16th St
 Burley, Idaho

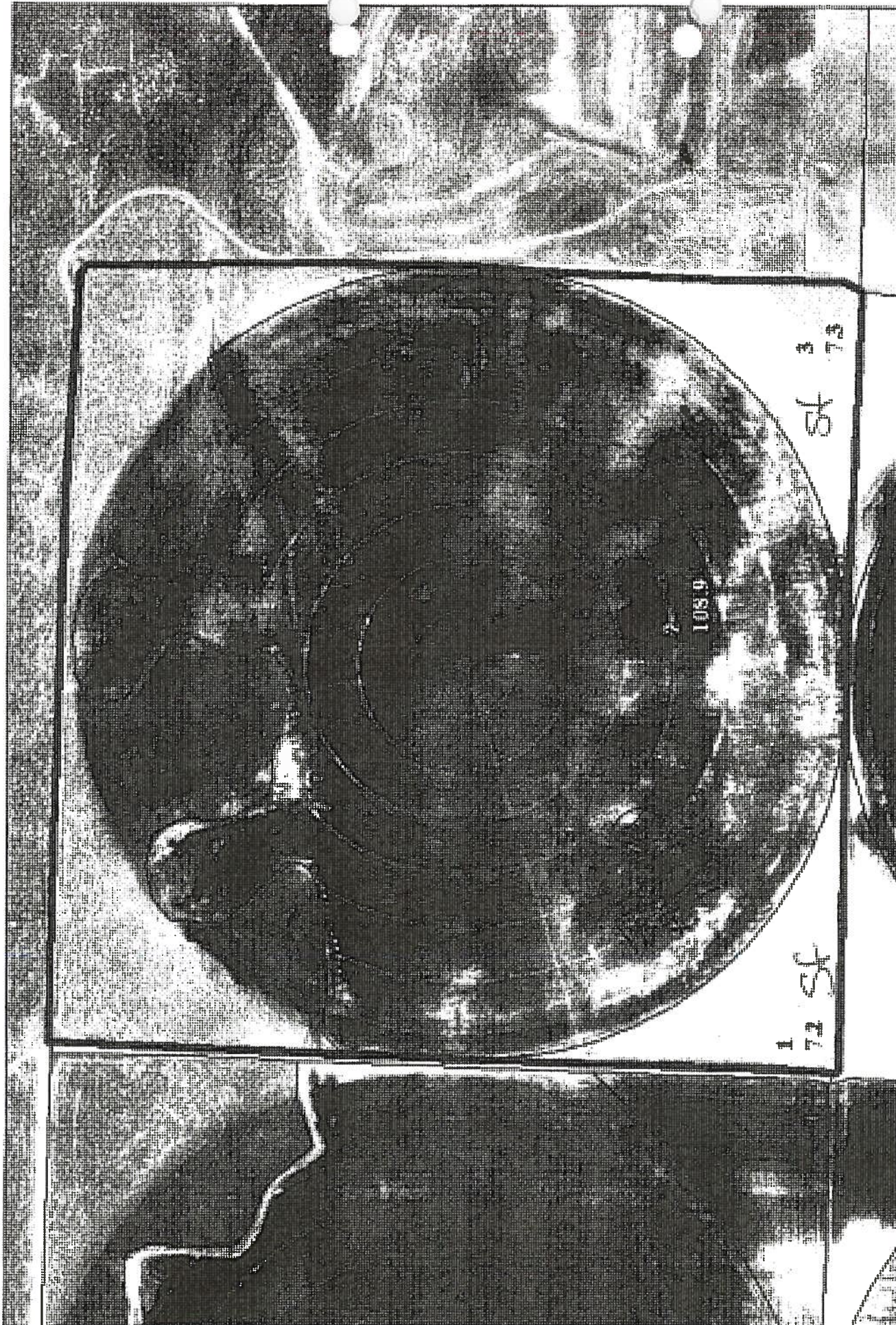
200 0 200 400 600 800 Feet

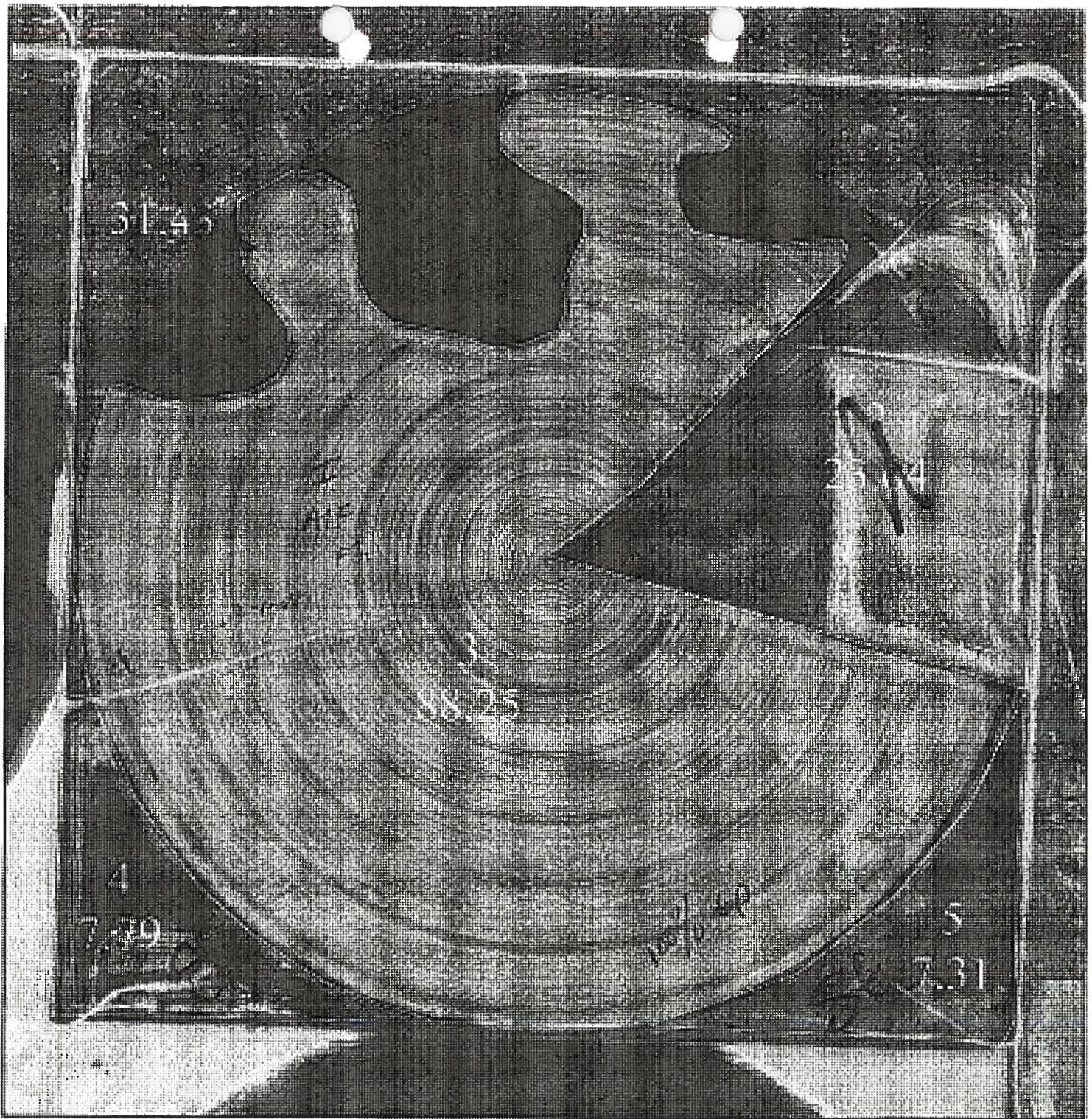


Map Printed May 25, 1964

2008







USDA United States Department of Agriculture
Farm Service Agency

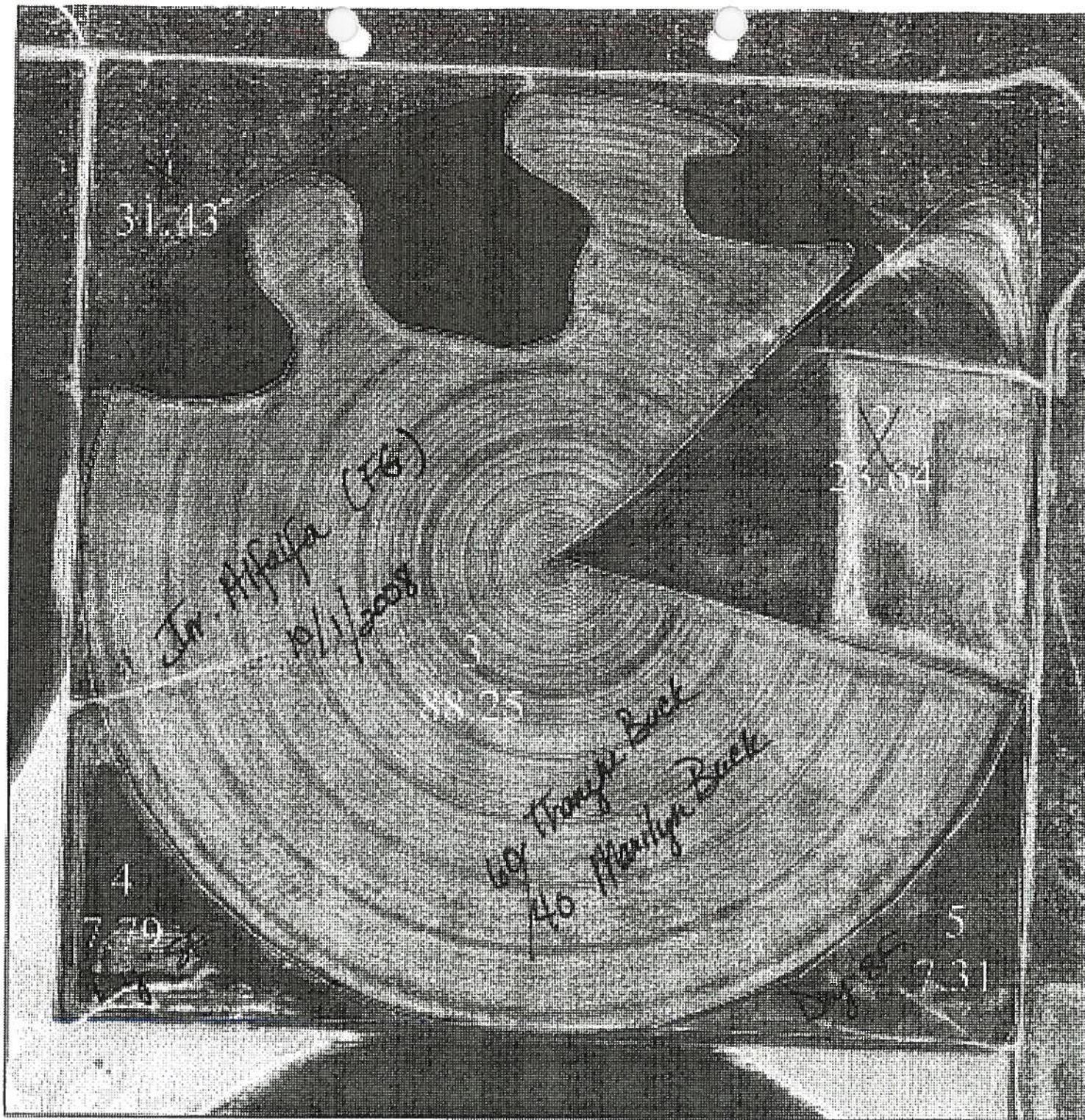
May 12, 2010

N
Farm # 4729
Tract # 1552

2010

Digital Orthophotograph
Not to Scale

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.



USDA United States Department of Agriculture
Farm Service Agency

Feb. 9, 2011



Farm # 4729
Tract # 1552

2011

Digital Orthophotograph
Not to Scale

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.



KELLER
associates



TECHNICAL MEMORANDUM

TO: Jack Shambaugh, ITD District 4

FROM: Charles G. Brockway, Ph.D., P.E. | Hydrogeologist | Brockway Engineering
Nathan Cleaver, PE | Project Manager | Keller Associates

DATE: October 24, 2011

SUBJECT: Key 09627, Cotterell Rest Area
Task 3.2, Water Rights Assessment, Revision 1

Water Rights Considerations

Development of the proposed facility with its associated water demands will require water rights adequate to cover current and anticipated future uses. One water right is currently appurtenant to the existing well and water system. This right (43-2572) allows 0.02 cfs (9 gpm) to be utilized from groundwater for domestic purposes. (A copy of the right is provided as an appendix.) The right does not authorize irrigation, and does not allow sufficient flow rate to operate even the potable water system. Additional diversion authorization must therefore be secured for the proposed facility.

Water rights must be sufficient to cover the maximum anticipated diversion rate, the maximum anticipated annual volume in acre-feet, and the maximum anticipated consumptive use volume in acre-feet. Average day, maximum day, and peak instantaneous demands were evaluated in Technical Memorandum, Task 1, RA Usage and Demands. For water right purposes, diversion rates are expressed in cubic feet per second (cfs) and volumes are expressed in acre-feet (ac-ft).

Diversion Rate Requirement

The maximum year 2065 instantaneous demands for potable and irrigation usage in combination were estimated in Tech Memo 1 to be 85 gpm (0.19 cfs). (Although the sum of the two instantaneous demand components is greater than 85 gpm, irrigation will occur at night when the potable demand is low.) Therefore, the total diversion rate allowed on the water rights would need to be at least 0.19 cfs to meet this demand. The diversion rate requirement could be adjusted for the other water usage scenarios presented below.

Annual Volume Requirement

The annual water requirement includes domestic (potable) uses for the rest area and POE, plus irrigation (living snow fence and landscaping). A breakdown of water demands for several scenarios is presented in the following table. Annual volume for irrigation usage was estimated from evapotranspiration (ET) data and assumed irrigation efficiency. The two ET stations in Allen & Robison¹ nearest the project site are Malta and Minidoka Dam. The average ET between these stations for a crop of turfgrass is 956 mm, or 3.14 ac-ft/acre. Assuming an irrigation efficiency of 75%, the diversion requirement amounts to 4.2 ac-ft/acre. However, the IDWR rule of thumb for annual volume in this area is 4.0 ac-ft/acre, and any right

¹ Allen, Richard G. and Clarence W. Robison (2009). Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.

would be limited to this amount. Thus, the values in the table are based on 4.0 ac-ft/acre for irrigation uses. Build-out RA landscaping assumes additional right-of-way is obtained in the future.

Cotterell Rest Area Water Usage Breakdown

Itemized Usage	Annual Water Volume Needed, ac-ft
Living Snow (LS) Fence (2.6 acres)	10.4
POE Employees	0.2
RA Users (Year 2035)	5.5
RA Users (Year 2065)	8.4
Existing RA Landscaping (1.25 acres)	5.0
Build-out RA Landscaping (assumed 2.7 acres)	10.8

As shown above, the design year 2065 average day potable demand (rest area + POE) is estimated to be 8.6 ac-ft.

Consumptive Use Balance

In evaluating a new permit application or a transfer application that involves a change in nature of use from irrigation, IDWR must ensure that no increase in consumptive use – the net depletion of the aquifer – will occur. In the change from irrigation to domestic or commercial use, it will be necessary to demonstrate the consumptive use balance before and after the transfer, an analysis which is specific to each particular situation. For this project, the potable water will be utilized in the facility and directed to the wastewater disposal facility (consisting of evaporative lagoons). Therefore, it can be assumed that all of the potable demand will be consumptively used, and the irrigated acreage to be retired must be sufficient to offset this loss.

The number of acres that must be retired depends on the ET of the crops grown using the water right in question. IDWR policy allows the use of the highest ET crop grown for the last 5 years. If alfalfa has been grown, the water right will be “worth” more consumptive volume per acre than if only beans have been grown. For example, suppose alfalfa has been grown and the ET is 3.14 ac-ft/acre (see above). To supply the maximum 8.6 ac-ft per year of consumptive use of potable water would require retirement of $8.6 / 3.14 = 2.7$ acres of irrigation. However, 2.7 acres of an irrigation right may not be sufficient to supply an adequate diversion rate, depending on the per-acre rate of the water right acquired.

IDWR does not make a consumptive use evaluation for irrigation-to-irrigation transfers, but recognizes and allows that various crops may be grown which have differing values of evapotranspiration. Therefore, an irrigation-to-irrigation transfer is based on acreage alone rather than annual volume or consumptive use.

Value of Existing Water Right at Facility

As noted above, water right 43-2572 is currently appurtenant to the facility. Although this right authorizes a diversion rate of 0.02 cfs, no annual volume is listed. In these cases the annual volume and consumptive use is unrestricted, i.e. the well could be pumped at 0.02 cfs continuously which would equate to 14.5 acre-feet annually; however, the right has likely not been used in this manner. In evaluating how much this right can contribute to the total annual demand of the new facility, IDWR will require an estimation of the actual annual usage under this right. The extent to which consumptive use has occurred under this right would reduce the amount of irrigation right that must be purchased and converted to domestic/commercial use. Based on current levels of rest area utilization, the estimated actual annual water diversion for domestic purposes is 4.2 acre-feet, and the entire volume has been consumptively used since all wastewater is evaporated in the lagoon system. For planning purposes, it was assumed that the existing right is worth 4.2 acre-feet of consumptive use.

Water Rights Scenarios

If sufficient water rights to satisfy all uses in the year 2065 are unavailable or unaffordable, fewer water rights could be obtained with the understanding that some uses would need to be curtailed. The minimum usage that needs to be satisfied is maintenance of the living snow fence.

The range of water needs based on different scenarios is presented in the following table. The anticipated irrigation right acreage needed to be transferred to the rest area is based on the following assumptions: 1) 4.2 ac-ft of consumptive use supplied by the existing water right (as previously discussed), 2) water right of 3.14 ac-ft per acre transferred acreage, 3) potable usage 100% consumptive, and 4) IDWR will allow conversion of all or part of water right 43-2572 from domestic to irrigation uses.

Water Usage Scenario

Water Demands Provided	Annual Water Volume Needed, ac-ft	Minimum Acreage Needed to be Transferred to RA
LS Fence Only (Close POE and RA)	10.4	2.0
LS Fence + POE	10.6	2.0
LS Fence + POE + RA (2035)	16.1	3.8
LS Fence + POE + RA (2065)	19.0	4.7
LS Fence + POE + RA (2035) + Existing Landscape	21.1	5.4
LS Fence + POE + RA (2065) + Existing Landscape	24.0	6.3
LS Fence + POE + RA (2035) + Build-out Landscape	26.9	7.2
LS Fence + POE + RA (2065) + Build-out Landscape	29.8	8.2

The recommended scenario, which meets demands for all the currently planned uses, is shown in bold in the table. Water rights for build-out landscaping can be deferred until rest area expansion is planned.

Options for Securing a New Water Right

The Raft River valley is situated within that portion of the Snake River basin that is subject to the Eastern Snake Plain moratorium. This moratorium will remain in force for the foreseeable future. The moratorium prohibits the issuance of any new appropriations for consumptive use of groundwater or surface water. The only exceptions to the moratorium are cases where IDWR determines the use to be *de minimus*, or where the consumptive use of the new right is adequately mitigated. The moratorium would preclude acquiring a new appropriation for the required water supply without mitigation.

Two options for securing additional water rights are possible:

1. Transfer an existing consumptive groundwater right, i.e. an irrigation right, to the new well at the facility. The irrigation right would need to be sufficient to provide for the irrigated area at the site, and additional irrigated land would be retired and converted to domestic/commercial use for the potable water supply above and beyond the amount which will be supplied by the existing right.
2. File an application for new appropriation (new permit), with a proposed mitigation plan to offset the consumptive use under the new permit. The proposed mitigation plan would involve retirement of irrigated acreage to the same extent as Option #1. An irrigation right would still need to be utilized to provide the mitigation water.

The two approaches differ from an administrative processing standpoint, but are essentially equivalent in terms of operational considerations. The benefits of acquiring a new permit are 1) the diversion rate on a new permit is not limited by an existing water right being transferred; and 2) IDWR has made a recent policy change, in which a permit with mitigation can be processed in some cases without filing a transfer of the underlying right.

Under Option #1, the water right at the new facility would be a portion of the acquired irrigation right and would retain the priority date of the original right. Under Option #2, the priority date of the new water right would be the date the permit application was submitted to IDWR. However, for administrative purposes the right would have the same priority date as the irrigation right used for mitigation. Therefore, from the standpoint of potential future water calls or regulation of groundwater by priority which may come to the Raft River basin, there is no practical difference between the two options.

Transfer Feasibility

Whether a water right is transferred and used directly, or is transferred as part of a mitigation plan for a new permit, IDWR will apply the five statutory criteria for evaluation of transfers:

1. No other water rights are injured,
2. The change does not constitute an enlargement in use of the original right,
3. The change is consistent with the conservation of water resources within the state of Idaho,
4. The change is in the local public interest as defined in section 42-202B, Idaho Code; and
5. The change will not adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates.

These criteria embody both technical and legal aspects. Criteria #3, #4, and #5 should be easily met given the nature of the facility proposed. The criteria that are generally of most concern are #1 and #2. With regard to #2, the applicant must ensure that no component of the right will be expanded by the proposed transfer, including diversion rate, diversion volume, and consumptive use. Making this determination involves evaluating the water balance as described above for a particular water right to be transferred. In general, there should be no significant difficulty in meeting the enlargement prohibition.

The injury criteria (#1) in transfers of groundwater generally means 1) the pumping of groundwater at the new point of diversion cannot excessively impact water levels at other water users' wells, and 2) moving the point of diversion cannot deplete reaches of a surface water stream in such a way that would injure surface water rights.

The impact on groundwater levels can be addressed by a well interference analysis that predicts the time-varying propagation of the cone of depression from the pumping well. A preliminary analysis of this type has been done, assuming maximum day pumping for 30 days, and average day pumping for 180 days, both potable and irrigation demand. Aquifer transmissivity was assumed to be 60,000 gpd/ft and the storage coefficient was assumed to be 0.15². The preliminary analysis indicates less than 0.12 feet of impact at the nearest neighboring well (Figure 1).

² Walker, E. H., L. C. Dutcher, S. O. Decker, and K. L. Dyer (1966). The Raft River Basin, Idaho-Utah as of 1966: A Reappraisal of the Water Resources and Effects of Ground-Water Development. Idaho Department of Water Administration, Water Information Bulletin No. 19.

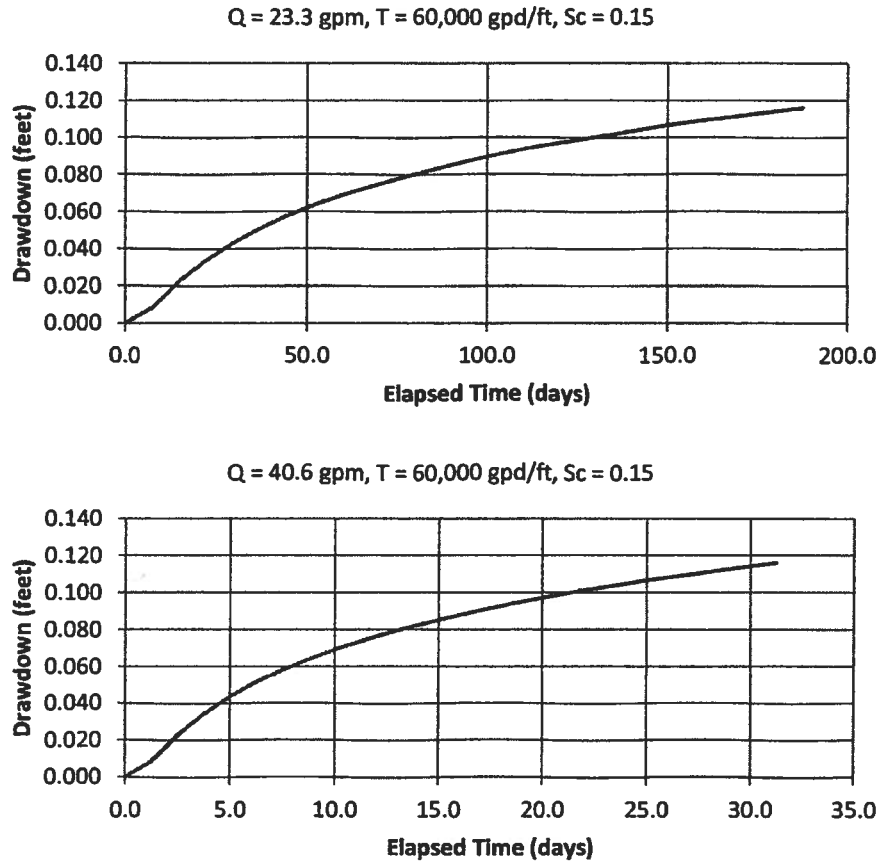


Figure 1. Predicted drawdown from pumping at average day (upper plot) and maximum day (lower plot) conditions (preliminary).

The analysis of the impact on surface water is not required in the Raft River Aquifer as it is in the Eastern Snake Plain Aquifer. Although the Raft River Aquifer is hydrologically tributary to the ESPA, it is presently not administered conjunctively with the ESPA. It is situated outside of the formally adopted area of common groundwater for the ESPA, and is outside of the ESPA groundwater model boundaries. The Raft River Groundwater District has been established, but no administration of groundwater is occurring or is contemplated at this time. Therefore, unlike in the ESPA, no groundwater modeling will be necessary to evaluate the impact of a transfer on the Snake River or any other surface stream, and no mitigation will be required for any such potential impact.

Protest Potential

Any application for a transfer or new appropriation must be advertised twice, and is subject to protest for 10 days after the last advertisement. If protested, and if the protest cannot be resolved, a hearing is held in which evidence is presented before a hearing officer, and the hearing officer makes a determination. Alternatively, a protest resolution may be negotiated, which could involve various ways to mitigate for the protestants' concerns.

Critical Groundwater Area and Water Levels

After dramatic declines in groundwater levels occurred due to appropriation of groundwater during the 1940s and 1950s, most of the Raft River valley was designated as a Critical Groundwater Area (CGWA) in 1963. At the same time a moratorium was placed on new appropriations. The CGWA remains in effect today. Transfer of water rights within the CGWA or to a location outside of the CGWA has generally been allowed. Transfer of a water right from outside CGWA would be problematic. At a minimum it would require more extensive hydrologic impact analysis, would likely draw more protests, and likely would not be allowed by IDWR. For this reason, the water right to be acquired should be located within the CGWA and as close to the project site as possible. However, even rights located a significant distance from the site would likely be transferrable.

The CGWA designation followed after groundwater development was shown to have caused major declines in aquifer levels, and that the average rate of natural recharge was exceeded by the groundwater depletion. Declines continued through the 1970s, abating somewhat as many farms entered the Conservation Reserve Program in the 1980s and good water years were experienced. Since the late 1980s, declines have continued, as shown in Figure 2 which depicts water levels collected by the U. S. Geological Survey at the two observation wells closest to the ITD site. Declines since 2000 in the lower basin have been 1.4 to 1.7 ft/year. IDWR³ suggests that a new equilibrium is being reached in the southern portion of the CGWA (south of Malta), but this is not the case yet in the northern portion. Since the 1994 study, the rate of decline has decreased somewhat to about 1 ft/year, indicating that the system may be slowly approaching equilibrium. However, significant declines are still expected in the future. While this can be accounted for in the design of the new well, it may be a factor in IDWR's evaluation of the water transfer and/or a factor in a potential protest.

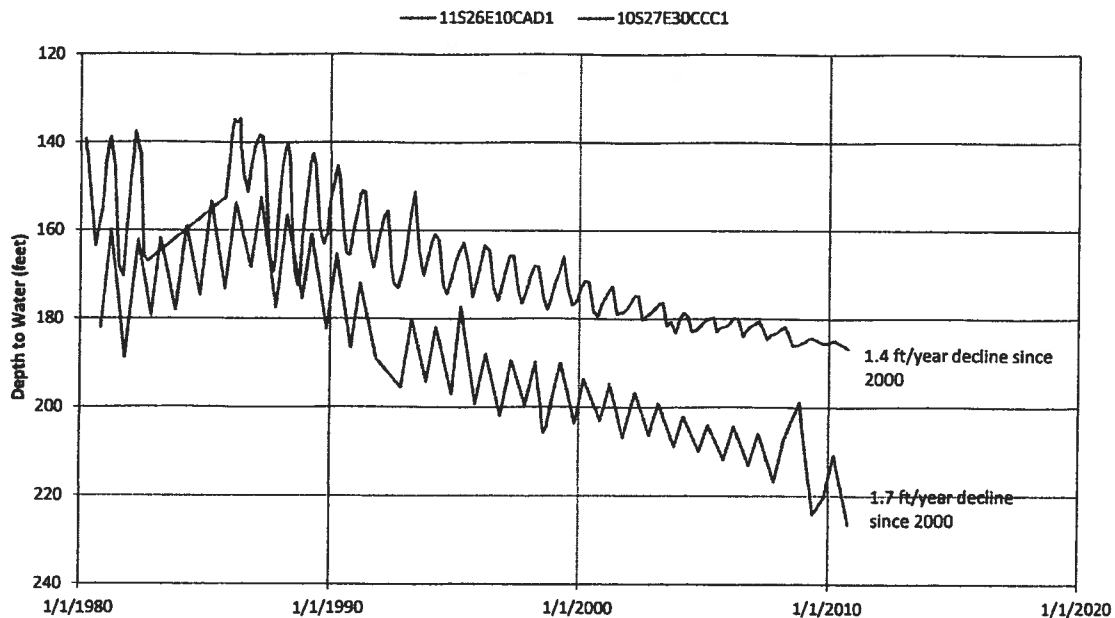


Figure 2. Long-term water level trends near ITD Cotterell Site.

³ Bendixsen, S. (1994). Summary of Ground Water Conditions in the Raft River Area. Idaho Department of Water Resources.

Availability and Cost of Irrigation Rights

ITD currently owns two groundwater irrigation rights in the vicinity of the proposed project. Right 43-12925 allows 2.18 cfs for irrigation of 109 acres of land situated four miles south of the proposed facility. Right 43-13163 (a portion of split right 43-2559) allows 0.52 cfs for irrigation of 44.8 acres of land approximately six miles south of the facility. Both water rights would likely be transferrable to the facility, but the availability would depend on ITD's plans for the irrigated land and whether all of the acres are needed at these locations. Both rights were decreed in 2002, at which time the 5-year forfeiture period began elapsing. A showing of full utilization of the rights within the most recent 5-year period would be required in order to protect the rights against partial forfeiture during a transfer proceeding.

Numerous privately-held groundwater irrigation rights are located in the immediate vicinity of the facility. A sampling of rights located within about 5 miles is illustrated in Figure 3. These and other groundwater rights within the Raft River valley could be potential sources of water to acquire. No formal market exists for water right transactions. Information about availability is passed either by word of mouth, newspaper classified ads, or through a handful of unofficial "water brokers" who facilitate exchanges and/or take ownership of rights on a speculative basis.

It may be possible to identify water rights to evaluate by informal contact alone. However, if ITD wishes to acquire a privately-held water right, the recommended method to obtain information on availability and cost is to put forth a request for proposal (RFP) that would be advertised and distributed to landowners in the lower Raft River basin – the Idahome / Malta area. The RFP would set forth the general requirements for the water right. The water right holder would be required to specify which irrigation water rights he is proposing to sell, and at what price per acre.

Few transactions have occurred recently in the Raft River valley which could be used as guidance as to cost. Similar transactions in the ESPA indicate that \$3,000 to \$5,000 per acre appears to be typical.

Surface Water Overlap

As noted above, the water right for the facility must be a groundwater right. In investigating potential irrigation rights to acquire, the possibility of overlap with surface water rights from the Raft River must be considered. Whenever surface water and groundwater have an overlapping place of use, the surface water is assumed to be the primary right and the groundwater is assumed to only provide supplemental water whenever the surface water is unavailable. With that structure, the groundwater cannot be moved to other land and used as a primary right without significant effort to determine the proportional amounts of surface water vs. groundwater that have historically been used. Therefore, ITD should focus on primary groundwater rights only.

A preliminary analysis of surface water overlap within the lower Raft River basin has been performed (Figure 3). This analysis indicates that there is generally only minor overlap with surface water; nearly all groundwater rights are primary. Due to groundwater pumping which began in the 1950s, flow in the lower reaches of Raft River has become nearly extinct, and very little irrigation water is now supplied by the river. In the upper basin where the river is still an active source of irrigation water, there will be greater overlap with groundwater rights.

Priority Date

Priority dates of groundwater in the valley typically range from 1948 to 1963, with some rights bearing late date in the 1980s which are expansions of the earlier rights under the adjudication statutes. Generally, a water right with the earliest possible priority date should be sought to minimize the risk should administration occur because of a priority call or other reason. At this time, no administration of groundwater rights is occurring in the Raft River valley. No calls on groundwater have been made, either by other groundwater users or by surface water users. Also, as noted above, the Raft River aquifer is not

treated as part of the ESPA at this time. However, IDWR recognizes the hydrologic connection and may in the future bring the basin into the ESPA area of common groundwater along with other tributary valleys which are in a similar relationship, such as the Big Wood, Big Lost, and Portneuf.

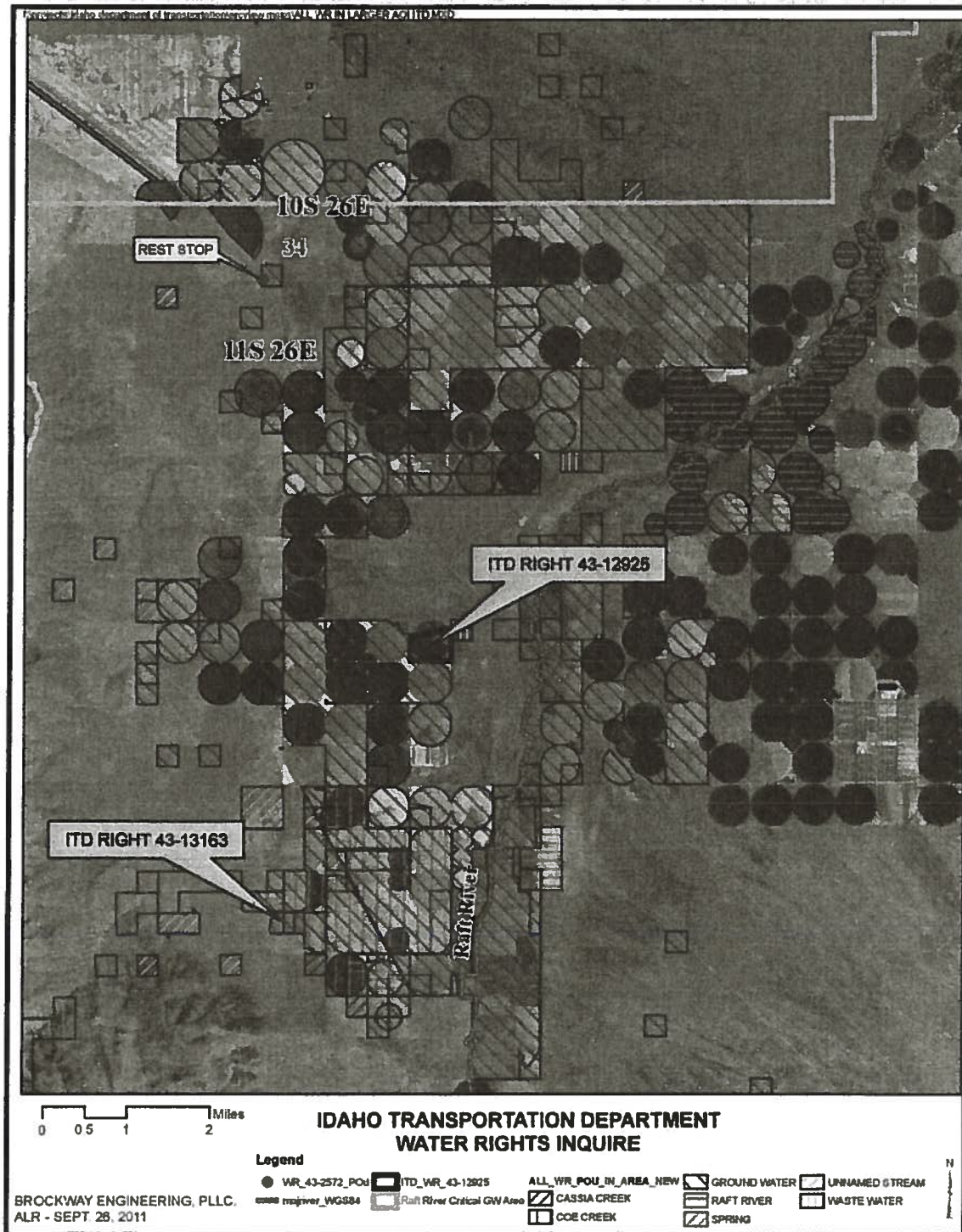


Figure 3. Water rights in Raft River valley north of the narrows.

Timeline and Schedule

IDWR is currently processing a heavy backlog of transfer and permit applications. Although significant progress in reducing the workload has been made over the past five years, processing times for applications are still long. For a straightforward application that is not protested and has no major hydrologic or administrative hurdles, the processing time will likely range from 4 to 8 months. If the application is protested, the timeline will become highly variable and dependent upon the concerns of the protestant and willingness to resolve them without a hearing. If the application goes to a hearing, total time from submittal to approval could be as long as 12 to 18 months.

Because of these unknown factors, it is recommended that the source water right be identified and applications submitted in October or November 2011. This will allow any hydrologic or administrative issues to be quickly identified, and the application to be advertised to determine whether protests will be received.

Conclusions and Recommendations

1. Additional water rights are required to provide sufficient diversion rate and annual volume for potable and irrigation uses for the proposed facility.
2. In conjunction with the existing water right, the total authorization must be sufficient to cover the anticipated diversion rate requirement, annual volume, and irrigated area, which vary based on the particular water usage scenario. We recommend that water rights be obtained to satisfy the water demands for the living snow fence, POE employees, year 2065 RA users, and the existing landscaping. This amounts to 24.0 ac-ft.
3. Additional water right authorization must be secured in the amount of 2.0 to 8.2 acres, depending on the selected water usage scenario and on the determination by IDWR of the extent of consumptive use provided by the existing water right. For the recommended water use scenario (above), an estimated 6.3 acres of additional water right authorization would be needed.
4. Sources of water include ITD-owned irrigation water rights 4 miles and 6 miles south of the proposed facility, or numerous privately-held groundwater rights in the lower Raft River valley. An RFP procedure is recommended to ascertain availability of rights and market price.
5. The structure of the water right transaction could take the form of a direct transfer or a new appropriation with mitigation plan. In either case, an irrigation water right would be needed.
6. The project area is located with the Raft River Critical Groundwater Area. Transfer of water rights within this area is generally feasible, but moving a water right into the area is likely not feasible.
7. Major hydrologic analysis will likely not be required, unless the application is protested.
8. The water right application process should be commenced as soon as practicable.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 28, 2012

STATE OF IDAHO
DEPARTMENT OF TRANSPORTATION
216 S DATE ST
SHOSHONE, ID 83352

RE: Transfer No. 78001
Water Right No(s). 43-2572, 43-12925

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 7/5/2012 and 7/12/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**July 23, 2012**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

cc:

BROCKWAY ENGINEERING PLLC
C/O CHARLES G BROCKWAY OR ZACH LATHAM
2016 N WASHINGTON ST STE 4
TWIN FALLS, ID 83301

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 28, 2012 10:43 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on July 5th & 12th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

June 28, 2012

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 78001
Water Right No(s): 43-2572, 43-12925

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before July 23, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78001**

STATE OF IDAHO, DEPARTMENT OF TRANSPORTATION, 216 S DATE ST, SHOSHONE, ID 83352 has filed Application No. 78001 for changes to the following water rights within CASSIA County(s): Right No(s). 43-2572, 43-12925; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp . The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 10 acre (0.20 cfs) portion of a groundwater irrigation right from a farm located approximately 8.75 miles north of Malta to provide water for the Cotterell Rest Area and Port of Entry facility located adjacent to Interstate 84 approximately 13.0 miles north and 2.0 miles west of Malta. The transferred right will be diverted from an existing well and a new well to be drilled at the facility to provide additional water for the rest area and port of entry and also allow for the irrigation of landscaping and a "living snow fence" located adjacent to the facility and along Interstate 84. The transfer will also modify the existing water right at the facility to allow for the diversion of water from both the new and existing well and to more accurately reflect the actual locations of use.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before July 23, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on July 5th & 12th, 2012

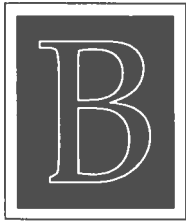
MEMORANDUM

Date: June 26, 2012
To: Transfer 78001 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes transferring a 10 acre (0.20 cfs) portion of a groundwater irrigation right, 43-12925, from a farm located approximately 8.75 miles north of Malta to provide water for the Cotterell Rest Area and Port of Entry facility located adjacent to Interstate 84 approximately 13.0 miles north and 2.0 miles west of Malta. The transferred right will be diverted from an existing well and a new well to be drilled at the facility to provide additional water for the rest area and port of entry and also allow for the irrigation of landscaping and a "living snow fence" located adjacent to the facility and along Interstate 84. The transfer will also modify the existing water right, 43-2572, at the facility to allow for the diversion of water from both the new and existing well and to more accurately reflect the actual locations of use. Note that the non irrigation use(s) are described as "domestic" use as currently described by the existing water right, 43-2572, at the facility.

- **Authority to File:** The applicant (State of Idaho Department of Transportation) is listed as the current owner of both of the rights being transferred.
- **Water Right Validity:** The rights involved with the transfer were decreed in the SRBA in June of 2002. Review of aerial photography supports the recent use of the water rights involved with the transfer. Possible forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:** No negative issues anticipated. Application will be subject to public notice and protest.
- **Enlargement of Use:** No issues anticipated if appropriate conditions are implemented. The conversion of a portion of irrigation right 43-12925 to domestic use is based on a precipitation deficit value of 3.31 acre-feet per acre based on alfalfa (NWS data) for the Malta area. This actually results in a slight decrease in the allowable diversion volume before and after the transfer (3.31 acre-feet per acre vs. 4.0 acre-feet per acre). In addition, the application proposes assigning a diversion volume (4.2 acre feet per year) to right 43-2572 based on historical water use data while right 43-2572 currently does not have a diversion volume listed on the right (diversion rate would limit the right to about 14.5 acre feet per year).
- **Local Public Interest:** No negative issues anticipated. Application will be subject to public notice and protest. Proposed use(s) should have positive impacts on the local public interest.
- **Beneficial Use/Conservation of Water Resources:** No negative issues anticipated. Application will be subject to public notice and protest. Proposed uses are recognized as beneficial uses of water.

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.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
JUN 14 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

June 14th, 2012

Mr. Corey Skinner
Idaho Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, ID 83301-3380

RE: Water Right Transfer and Mitigation Plan- State of Idaho, Department of Transportation

Dear Corey,

Attached is a signed water right transfer application in the name of the State of Idaho, Department of Transportation (ITD). As you know, ITD seeks to allow for future domestic and irrigation uses at the existing Cotterell rest area and Point of Entry by transferring, and retiring a portion of an existing irrigation ground water right owned by ITD. During a May 25th 2012 meeting with you, Chuck Brockway Jr. and myself, IDWR decided a water right transfer application best defines the water uses sought by ITD at their facility. This water right transfer application is meant to supersede the water right permit application submitted on May 15th 2012.

To review, a new well is also proposed to be drilled at the facility. The attached mitigation narrative explains the details associated with the future uses at the facility as well as the consumptive use calculations. Also included are water right split calculations, proposed place of use and acres to retire for mitigation maps, site location maps, future build out concept schematics, new well site map and design drawings, FSA crop records and maps and a water right and water availability technical memo. An expansion in consumptive use is not anticipated, nor proposed to occur with the approval of this water right transfer application.

Please copy our office on all future correspondence regarding this water right transfer application. Additionally, included is Brockway Engineering check for \$500.00 to cover the cost of the transfer application. Thank you for your assistance and if you have any questions or comments, please don't hesitate to give me a call.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Regards,

A handwritten signature in black ink, appearing to read "Zach Latham", with a long horizontal flourish extending to the right.

Zach Latham, M.S., Hydrologist

Enclosures: (1) Application for Transfer
(1) Supporting Documents- Application for Transfer
(1) Brockway Engineering Check # **10836**

cc: Nathan Cleaver