

TO: File

DATE: September 4, 1997

FROM: Jim Stanton

SUBJECT: App. for Transfer, Elquist Ranches

Yesterday I visited the subject property with farm operator Sander Elquist. We looked at the irrigated land and the Land Creek diversion. Instead of being in Sec. 5 as originally shown, the actual p/d appears to be in the NE/NE Sec. 6. The general flow of Land Creek appears to be N/NW. The stream runs westerly under the county road, then turns northerly for a short distance before turning westerly again once inside the Elquist fenceline. My best guess is that the actual p/d is where the channel turns west again inside the fenceline. The natural channel has been farmed over for many years, and all available flow either goes to Elquist or to Corey King thru a separate diversion upstream. The channel was totally dry during my visit, but can run up to 20 cfs for a short time during spring runoff (according to Sander). In order to deal with the flood potential, some land not shown on the transfer is farmed with flood water for as long as it is available; these dump fields are located in the south and southwesterly portions of the farm, and will be irrigated maybe once during a wet spring. Without this practice, downstream property owners would suffer flood damage along with the applicant. So this does not appear to be an expansion of existing rights, just a necessity in this particular location. In dry years, little or no dumping of water would occur, and these areas would not be irrigated under their regular water rights.

The pivot in the SE corner of the property, and the partial pivot on the west side of the farm, were installed in 1995 or so to replace existing gravity and/or sprinkler irrigation. The SE pivot took in about 34 acres that were not irrigated before, but the west pivot left out 25 acres that were previously irrigated. The new pivot on the south end of the farm will take in about 36 new acres, but leave out about 30 acres that were farmed or were in CRP. In Sec. 25, 78 irrigated acres are being dried up and sold to allow expansion of an existing feedlot. Two 32-acre mini pivots are being installed on their remaining land in Sec. 25; 64 of these acres have been irrigated or were in CRP. Two corners around the new pivot, formerly irrigated or in CRP will not be irrigated in the future.

Based on the above figures, it appears that 77 fewer acres will be irrigated after the transfer. The applicant claimed 892 acres in the SRBA, and I came up with 891 acres after the transfer. So, based on the claims, it appears that 1 less acre will be irrigated. Some land that has been in CRP was not claimed, however, which would account for the discrepancy. **At any rate, this application appears to be a legitimate shifting of acres that should be approvable under the provisions of Sec. 42-222 IC.**

T # 51

TO: File

DATE: July 28, 1997

FROM: Jim Stanton

SUBJECT: App. for Transfer #5038, Elquist/Lambert Produce

Today I spoke with Sander Elquist, who farms a portion of the ground covered by this application. He had just talked to his father, who has been on this property since before the subject wells were drilled. His dad told him that there were no interference problems between the west well and Land Ranch Spring until the late 1980's, when interference was first noticed. At that time, the well could be pumped for about a week before the spring was affected. Interference increased again in 1992 or 1993, when four days of pumping affected the spring.

If this information is correct, and I have no reason to doubt what Mr. Elquist has said, this transfer may not constitute an expansion of historic use if approved. The transfer probably would have been filed sooner, but a lack of funds has prevented the drilling of a replacement well. Funds are now available, and the applicants want to drill the new well as soon as possible. Mr. Elquist requested that processing of their application be completed as soon as possible, and said that they may contact their attorney if we do not act in a timely manner. They would prefer not to do this, but need to know our decision on this matter.