

MEMORANDUM

Date: April 6, 2011
To: Transfer 77047 File
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer proposes to convert right 36-7847, currently authorized to divert 0.56 cfs and 112 AF for the irrigation of 28 acres, to year round commercial and stock water use from three existing wells at an existing dairy. An affidavit was submitted from former owner Wayne Hawkins stating that he had last grown alfalfa on the 28 acres in 2004. No aerial photos, crop or power records for these 28 acres could be found to substantiate this so it was determined that only the minimum crop requirement of 2.01 af/ac could be recognized as available for the conversion. (28 ac X 2.01 af/ac = 56.28 or 56.3 af) Another affidavit from current owner John Gomez was submitted that stated he started using the water from this right for commercial and stockwater use at the dairy when he purchased the property in 2004. A dairy worksheet prepared by Agtec Engineering showed a total of 142 AFA was required for the dairy. The entire 56.3 af from 36-7846 was needed, so the full extent of the right will be 0.56 cfs & 56.3 AF after the change. It also brings in three other existing rights at the site: 36-8396 - 0.2 cfs & 71.6 AF for commercial and stock water use; 36-11402 - 0.07 cfs for domestic & stock; and 36-14755 - 0.04 cfs for domestic. The wells will be tied together on all four rights for back-up purposes and all will be limited to 0.56 cfs. A field exam on 36-8396 measured a system capacity of 0.33 cfs for two of the wells. The other well has two domestic rights on it and both of those rights will be limited to 14.6 af when combined. Only the points of diversion will change on the other rights, the places of use will not be changed. The area is located within WD130 so Water Master comments will be needed. Location of the dairy is approximately 2 miles south and 1 ½ miles west of the center of Wendell.

- **Authority to File:**
All four rights are currently under the name of the applicant, G & H Dairy LLC. The application was submitted by Gary Funderburg (TSL Enterprises) and signed by John Gomez, an authorized representative of G & H Dairy according to the Secretary of State's website.
- **Water Right Validity:**
The irrigation right being converted, 36-7847, was decreed on 1/2/2002. An affidavit from the current owner was submitted with the transfer which states that the right was actually converted from irrigation to commercial and stock water use at the dairy when he purchased the property in 2004. Existing stock and commercial right, 36-8396, was licensed on 3/22/2002. Domestic right 36-14755 was decreed on 11/26/1996 and D&S right 36-11402 was decreed on 1/15/1998. A letter from the lien holder, MetLife, has been provided, agreeing to the transfer.
- **Injury to Other Water Rights:**
None anticipated. No new wells will be drilled and there will be no apparent hydrologic impact.
- **Enlargement of Use:**
None anticipated. Location is within Water District 130 so measurement and reporting will be required.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use 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.

MEMORANDUM

Date: April 06, 2011
To: Transfer 77047
From: jroberts
Re: Legal notice

Transfer proposes to change the use of a ground water right, currently authorized to divert 0.56 cfs and 112 acre feet for the irrigation of 28 acres, to year round commercial and stockwater use at an existing dairy and diverted from three existing wells. Three other ground water rights authorized for domestic, stockwater and commercial use at the dairy are currently served by these same wells and all will be tied together for back-up purposes. Location of the dairy is approximately 2 miles south and 1 ½ miles west of the center of Wendell.