MEMORANDUM

Date: January 4, 2011

To: Transfer 76977 File

From: Jeanie Robertson

Re: Evaluation of Sufficiency of Information Submitted

This transfer proposes to add a third existing well to two water rights currently authorized to divert a combined rate of 5.36 cfs and 1072.0 af for the irrigation of 268 acres from two other existing wells. (The irrigation right originally decreed to the well is being converted to commercial and stockwater use at the dairy through another transfer.) The applicant stated that the well being added is only capable of producing 700 gpm so that was what they based their filing fee on. A condition will need to be added to the transfer approval which specifies that that well will be limited to 700 gpm in the future. ***(The existing well currently decreed in the **NWSE**NE of Section 7, T08S, R15E on both rights is actually located in the **NESWNE** of Section 7, according to the GPS downloaded point. The GCDB appears to be slightly off in the area but the imagery seems to show that the well, while very close, is over the quarter-quarter line and in the SWNE quarter. I used the opportunity of this transfer to make the correction in the legal description for that well.) The area is located within WD130 so Water Master comments will be needed. Location of the place of use and existing wells is approximately 2 miles south and 1 ½ miles west of Wendell. No advertising is needed because the transfer is only adding an existing well to the rights and no new wells will be drilled.

- **Authority to File:**
  Both rights 36-7409A and 36-7631A are currently under the name of the applicant, G & H Dairy LLC. The application was submitted by Gary Funderburg and signed by John Gomez, an authorized representative of G & S Dairy according to the Secretary of State's website.

- **Water Right Validity:**
  Both rights 36-7409A and 36-7631A were decreed on 1/10/2002. Recent aerial photos of the area show pivot irrigation so forfeiture does not appear to be an issue. A letter from the lien holder, MetLife, has been provided, agreeing to the transfer.

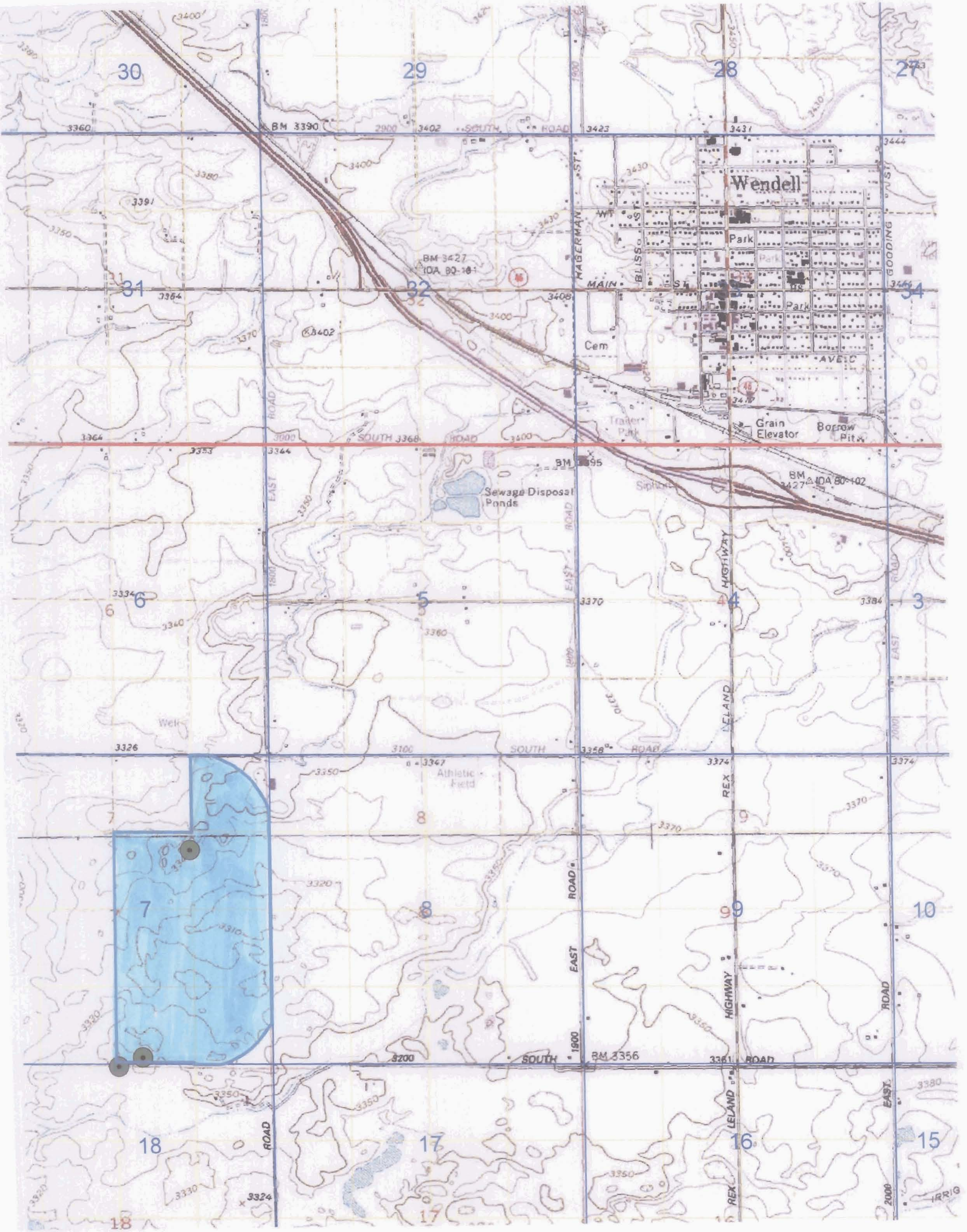
- **Injury to Other Water Rights:**
  None anticipated. No new wells will be drilled and there will be no apparent hydrologic impact.

- **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.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Wendell
BM 3390
SOUTH ROAD
HABERMAN ST
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MAIN ST
Park
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AVE C
BM 3427
IDA 80-181
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Cem
Trailer Park
Grain Elevator
Borrow Pit
BM 3395
Sewage Disposal Ponds
Siphon
BM 3427 IDA 80-102
EAST ROAD
1800 EAST ROAD
HIGHWAY
6
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Well
3100 SOUTH ROAD
Athletic Field
LELAND
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3200 SOUTH ROAD
BM 3356
1900 EAST ROAD
REX LELAND HIGHWAY
2000 EAST ROAD
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