

RECOMMENDATION OF WATERMASTER

Application No: 74404
Water Right No: 36-16820
Applicant Name: Grant

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:

Right no. 36-16821 requires the following:
"Rights are combined with water from A&B Irrigation District"

Transferred acres should be limited to 11.5 acres (see comments), or the reduced acres under 36-2443 must be identified as production acres and not lava outcropping.

- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

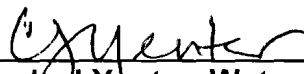
The PPU of 305 acres contains approximately 260 total irrigated acres. This is clearly in excess of the 155 acres authorized by the transfers under privately held water rights. The area is within ABID, and the District confirms that Grant holds 158.7 shares of A&B ground water within the PPU.

Kelly Christensen identified 4.6 proposed transfer acres in N ½ NW Sec 36, T08S R22E which were not clearly production acres and which appeared to be a lava outcropping. He notified Brockway that IDWR's position was that licensed lava acres within a pou were not recognized as available for transfer. Brockway responded with an affidavit from Alan Klosterman that the entire POU was irrigated or sprinkled. I am not convinced that Mr. Klosterman's affidavit confirms that the lava acres actually supported a crop.

Cherry-picking of licensed or decreed acres from lava outcroppings for transfer, with no resulting reduction in beneficial use, constitutes an enlargement. Consequently, the transfer is not approvable as filed and should be limited to (16.1-4.6) 11.5 acres. Alternatively, the 4.6 acres may be reduced in an area where there was actual crop production during 2004-2005. There are plenty of acres available within the 36-2443 pou which meet these criteria and which are not being presently irrigated.

Dated: June 18, 2010

Water District 130


Cindy J Yenter, Watermaster