

M E M O R A N D U M

Date: December 02, 2009
To: Transfer 76130
From: jstanton
Re: Comment/Analysis

This application proposes to bring in enough water from other irrigated land owned by the applicant to serve an existing feedlot. An unrecommended late SRBA claim covers this facility, but shows only the standard diversion rate for 1000 cattle and no estimated volume. The original application only brought in about 2/3 of the needed volume, relying on some volume being available under the SRBA claim. The application adds a second well to the system (an existing domestic well) as a backup source, so Allen and S. O. decided that the SRBA claim needed to be included in the transfer. The applicant needs a P & Z letter stating that the application provides enough water for the proposed use, but I told Dusty at AgTec that I could not write such a letter based on the original application (since the volume provided by the claim is unknown at this time). So they decided to dry up enough land to fully cover the existing/proposed feedlot use in order to get the letter they need for the cafo permit. They understand that the transfer cannot move forward until the SRBA review of the claim is completed.

Parallel Processing Required:

Advertising Required: Yes (change in nature of use).

Authority To File: The applicant is the owner of record for the rights and lands involved, so this is not an issue.

Water Right Validity: The land being dried up is currently irrigated per aerial photos supplied by AgTec, so this is not an issue. Dusty told me the feedlot was empty when the applicant bought it a couple of years ago, but did not know anything else about it; he is going to try to get information on the water system and operation of the system in order to better define the historic use. The feedlot shows up well in the 2004 ArcMap photo, so it was at least physically there and apparently in good condition (not a rundown weed patch).

Injury To Other Rights: There should be none with standard conditions.

Enlargement of Use: None requested. A value of 3.4 afa/ac consumptive use for hay at Malta is the basis for the transfer (less-frequent cuttings). This is from Agrimet data supplied by AgTec, which is higher than what University of Idaho data shows. Allen has instructed me to use whichever data gives the higher allowance. AgTec data says that the expanded feedlot needs 22.2 afa to operate, and the transfer as corrected allows 22.4 afa based on drying up 6.6 acres. If the claim is recommended with a specific additional volume, I will deal with that when the time comes.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified.

Review of the application finds that there is no clear inconsistency with criteria set forth in Sec. 42-222 I. C. preventing processing. At least prior to advertising, no other issues have been identified that would require further review or submittal of additional data by the applicant.

Sec. 5

T76130 Wynn Dewsnup Trust

Wells

