

Stanton, Jim

From: Stanton, Jim
Sent: Wednesday, August 05, 2009 11:42 AM
To: 'Brian Higgs'
Cc: Stanton, Jim
Subject: RE: Proposed Sudik Transfer

Brian – We had a long discussion about this proposed application. I think you can proceed on the basis of 2.14 afa/ac being available for transfer under the two rights combined. You will also need to provide a detailed description of how the irrigation systems on this farm work (considering the various diversion systems and water sources involved); how do they work now, and how will they work if TFCC shares are brought onto the property. It sounds like Funk does not actually plan to stop irrigating any of his land, so the enlargement question will need to be addressed. Another thing that will be required is some sort of injury analysis using whatever method you can come up with; the ESPA model cannot be used, since the Sudik property is too far away from it. So it will be an uphill battle to get the application approved. The burden of satisfying the requirements of Sec. 42-222 (the transfer statute) is all on the applicant; we will review what you present, and determine if it is sufficient. This will be a good learning experience for you. Expect a lot of back and forth on this one as we work through the various issues, but you should have enough to at least start the process.

From: Brian Higgs [mailto:higgs@ida.net]
Sent: Tuesday, August 04, 2009 2:33 PM
To: Stanton, Jim
Subject: Re: Proposed Sudik Transfer

Jim,

You have the correct location of the Sudik Dairy. As I understand it, some kind of mitigation/transfer on this Sudik Dairy has been going on for a long time. They have done all kinds of things like ponds for infiltration and others. Gary has been the agent handling it. I cannot enlighten you on the Sudik permit because I did not want to get tangled up in the messy past of this transfer. Rob Williams in Jerome is the Attorney for Mr. Sudik if you need more history.

When they called me I told them that we will start and do a simple transfer so no mitigation will be necessary. As far as I know the ground that the water is coming from (pivot in Sec 14) has been recently annexed into the Twin Falls System. The groundwater for this pivot comes from 2 wells located near the canal on the north side of Highway 30. I think his current license allows him to apply co-mingled water on this farm. The 53 acres is OK.

Please let me know what else you need.

Thank you.

Brian

----- Original Message -----

From: Stanton, Jim
To: higgs@ida.net
Cc: Stanton, Jim
Sent: Tuesday, August 04, 2009 1:59 PM
Subject: Proposed Sudik Transfer

Brian – I got the letter on this matter that you sent to Gary Spackman, and have some questions (our e-mails

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yesterday never got into the details of what or who was involved). The only dairy filing I find for John Sudik on this side of the river is a permit on property located about 12 miles straight west of the Funk land to be dried up; is this where the water is supposed to go (11S 18E Sec. 9 SW1/4)? Since the permit has no volume attached to it, I don't know how he could get into trouble for using too much water (proof was filed in 2000, but no field exam has been done). While this land is in the TFCC system, the Funk place appears to be under the Milner Low-Lift system; how could TFCC shares be applied to Funk's pivot? Does Funk currently use any canal water in this pivot? The letter mentions that about 113 af will be transferred; using the logic of my last e-mail, a little under 53 acres would have to be dried up to get this volume.

Please respond so I can have this info for the staff meeting at 8:30 tomorrow. Thanks.