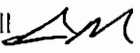


MEMORANDUM

TO: Water Right Files 45-690, 45-691, 45-7004, 45-7186A, 45-13904, and 45-13905
FROM: Aaron Marshall 
DATE: April 14, 2010
SUBJECT: Request for Extension of Time to Complete Transfer No. 71925

On November 6, 2006, IDWR approved Transfer 71925 and gave the right holder five years from the date of approval to accomplish the authorized change. On March 19, 2010, IDWR received a request for extension of time to complete the transfer. Craig E. Searle, on behalf of transfer applicant Moo View Cow Palace (Moo View), requests an additional 5 years to complete the transfer. Charles E. Brockway, consultant for Moo View, explained the need for the extension and showed reasonable cause for the delay in completing the transfer. Brockway explained that Moo View obtained a confined animal feeding operation (CAFO) permit to develop the planned dairy. A decision is pending before the U.S. Bureau of Land Management (BLM) for a power line easement that would force the transfer applicants to redesign the dairy. Additional time is needed while waiting for the BLM decision.

On March 19, 2010, IDWR received applications from Moo View to lease water right 45-13905 to the Water Supply Bank and to rent this right from the Bank for 5 years. Transfer 71925 authorized a change in the nature of use for water right 45-13905 from irrigation to commercial and stockwater use at the planned dairy. The proposed transaction would allow Moo View to use this right for irrigation as authorized prior to the approval of Transfer 71925. The applications are consistent with the criteria outlined in the Water Supply Bank Rules. Since the change authorized by Transfer 71925 has not been accomplished, water right 45-13905 should be accepted into the Bank consistent with the beneficial use authorized prior to approval of the transfer – 0.30 cfs and 352 acre-feet for the irrigation of 88 acres. Leasing the right to the Bank would protect the right from forfeiture during the lease period as described in Idaho Code § 42-223(5) and 42-1764(2).

Upon a showing of reasonable cause for delay, IDWR will generally grant a request for extension of time to complete a transfer up to five years from the initial date of approval. Due to the circumstances that prevent Moo View from completing the transfer, and since the transferred right offered to the Bank will be protected from forfeiture during the lease period, IDWR should grant this request for an additional five years and give Moo View until November 6, 2016, to complete the transfer.