MEMORANDUM

Date: January 22, 2010

To: Transfer 75847

From: jstanton

Re: Comment/Analysis

This application moves the entire water right for a small dairy in Jerome County to an existing large dairy (Aardema Dairy #5) in Gooding County. The small dairy is being closed, and the cattle moved to the large dairy so the large dairy can operate at maximum capacity for more efficient operation. The existing right at the large dairy is also included due to the use of water in tracts not in the water right, and also to clarify that there are two points of diversion; these items have not changed since at least 2004 (the transfer allowing the dairy was approved in 1996). The application as filed was based on the wrong water right and did not include the existing right at Dairy #5, but I have gotten a signed corrected application (and additional filing fee) from the applicant. The application should be approvable with standard conditions.

Lienholder Letter Required: None for dairy being closed. Dairy being expanded has lienholder, but change should benefit this property; no letter should be needed.

Parallel Processing Required: No

Advertising Required: No, as the only thing changing is where the cows are located. The change has already occurred.

Authority To File: The applicant owns both dairies, so this is not an issue. No mention has been made of a Mrs. Aardema, so I have not asked for any signature other than the applicant.

Water Right Validity: WMIS records show that the allowed volume for both facilities has been diverted within the last 5 years, so forfeiture is not an issue.

Injury To Other Rights: A summary of the ESPA analysis provided by the applicant shows that the proposed change will not require mitigation. Allen has reviewed the data, and has found it to be acceptable. The model run itself has not been submitted, but Allen said this was ok.

Enlargement of Use: None requested. The transfer just combines the decreed/licensed rates and volumes, so this is not an issue. Rt. 36-8517 was licensed for 400 dairy cattle. Our files on Rt. 36-2412D do not appear to contain any data on cow numbers, however, and there is no dairy worksheet in the new transfer to show what is proposed; I am not able to enter livestock numbers for this right on the Purpose Of Use tab.

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.