

MEMORANDUM

Date: November 9, 2009
To: Transfer 74429 File
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

Transfer seeks to create a PPU of 4,429.2 acres, limited to 4,419 acres during any one irrigation season, by combining 27 ground water rights, diverted from 15 existing wells, in order to provide greater flexibility in their irrigation practices. {During my overlap analysis and review, I noticed that there were some overlapping acres between rights 36-2501 and 36-8213 that had not been conditioned before. I added another X35 condition to these two rights with a total of 137 acres, 2.74 cfs (0.02 cfs/ac) and 548 AF (4 AF/ac).} I also found some discrepancies between the totals on the application and mine, probably because of combined limits that were not taken into account. I added a final combined limit remark to all the rights with a total of 72.51 cfs, 17,656 AF, and the irrigation of 4,419 acres. They have applied for enrollment in the CREP Program for portions of the lands irrigated by the water rights and feel that creating the PPU is the most efficient way to allow for the enrollment of more junior water rights in CREP and allow for the continued use of senior rights. The approximate location of the place of use is between 12 - 15 miles north and 3 - 3.5 miles east of Rupert. As no new wells will be drilled and there will be no apparent hydrologic impact, I recommend no advertising and approval in the region of this transfer.

· Authority to File:

The 2nd AMENDED application was finally filed on November 20, 2009 by Zach Latham of Brockway Engineering on behalf of the applicants, WG Farms, LLC. A Limited Power of Attorney for Zach, signed by Duane Grant representing WG Farms, was also provided. (According to the Amendment of Lease Agreement with the Idaho Youth Ranch (IYR), Grant 4-D Farms, an Idaho General Partnership and Mountain View Lands, an Idaho LLP, are collectively doing business as WG Farms, LLC, an Idaho Limited Liability Company. According to the Idaho Secretary of State web-site, Wayne Grant is authorized to sign on behalf of Grant 4-D Farms.) The applicant indicated that no ownership changes were to take place in the transfer process. Some of the land in the PPU is actually owned by the IYR; E ½ of Sec. 13 and NE ¼ of Sec. 24, but the Lease Agreement should take care of that. Among other stipulations, the agreement states that the applicants are to provide 30.9 acres of water from right 36-2315B to the IYR for irrigation of their property. Portions of two other rights were added to the amended application in order to make up for the water leased to the IYR. (There is supposed to be another application for transfer forthcoming which will make a PPU on the IYR land.) There is no lien holder on the property according to the application.

· Water Right Validity:

Partial decrees were issued for eighteen of the rights on 8/27/2001. 36-2550 was decreed on 12/05/2001; 36-15356A was decreed on 10/31/2005; and 36-16403 was more recently decreed on 4/18/2008. 36-7297 was licensed on 2/23/1990; 36-8213 was licensed on 4/9/1994; 36-8212 was licensed on 7/29/1994; and 36-8257, 36-8258, and 36-8259 were licensed on 3/3/1998. Review of recent aerial photography in the area shows current irrigation of the land so forfeiture does not appear to be an issue.

· Injury to Other Water Rights:

None anticipated. No new wells will be drilled. The existing 15 wells do fall within 9 different cells of the model but they are all adjoining. An ESPA Ground Water Model Transfer Spreadsheet Analysis for the 14.8-acre portion of water right 36-16736 (a split of 36-7275) being transferred in, to offset the portion of 36-2315B going to the IYR, showed no mitigation was required. A similar analysis was also performed on the 16.1-acre portion of 36-7267, and again showed no mitigation was required. (The spreadsheet was developed by Greg Sullivan of Brockway Engineering supposedly with the approval of Mat Weaver of the State Office.) I asked Mat to review this analysis and although he didn't think they had provided sufficient information in their spreadsheet

analysis to us, he ran the model himself and came up with the conclusion that no mitigation was needed. The area is within Water District 130 so water master comments will be solicited and control and supervision will be implemented.

· Enlargement of Use:

None anticipated as long as the acre limits within the PPU are adhered to.

· Local Public Interest:

No negative impacts anticipated.

· Beneficial Use/Conservation of Water Resources:

Proposed use is recognized as a beneficial use of water. The applicants wish to have greater flexibility for irrigation purposes within their property boundaries and use the CREP program more efficiently.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

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