

MEMORANDUM

Date: August 21, 2009
To: Transfer 72954
From: jstanton
Re: Comment/Analysis

This application proposes to dry up additional land on the same farm to provide water for expansion of an existing dairy. The transfer also clarifies the place of use of the existing dairy rights, as there is no longer any use in Sec. 10. The points of diversion allowed by the previous transfer remain the same; no new wells will be drilled. The existing corrals have sufficient capacity for the proposed herd expansion.

In early August of 2009, I prepared a corrected application that should take care of all our concerns about using supplemental groundwater rights for a dairy transfer. The applicant has signed the application, and it was received yesterday. This is also the basis for Corrected App #74896, which covers another dairy expansion using the same base rights for a property about a mile east of the old Franco dairy covered by this transfer. That application was also received yesterday. This application has been in parallel processing for a long time, so I plan to move it forward once the SDE updating is completed; Boise has already weighed in on every issue that has come up, so I do not see any reason to delay processing any further.

Advertising Required: Yes per Allen.

Authority To File: The applicant is the owner of record for one of the water rights, and has a warranty deed from the previous land owner for the other rights, so this is not an issue. As of August, 2009, all rights are now in the name of Aardema Farms.

Water Right Validity: The rights were decreed in the SRBA, and the land has been irrigated within the last 5 years, so this does not appear to be an issue. Most of the land is irrigated with mixed groundwater/canal water; the whole system irrigated about 548 acres. Areas outside pivots are no longer irrigated, but some land not covered by the groundwater rights is irrigated. After the dairy transfers are approved, the owner should file a transfer to correct the groundwater pou.

Injury To Other Rights: The NSCC has confirmed that this farm has always had 155 shares of canal water on it, so the well has been needed every year to supplement the shares. According to the applicant, the well was the primary water source for a partial pivot and some corner handlines north of the dairy when they bought the place in 2004; the well supplemented the canal shares on the rest of the farm as needed. This farm was converted to mainly pivot sprinklers some time after 1987, and the well would have been supplemental on all the land before the conversion. The one year of full well data that we have is 2006, but the small pivot was removed by then (it was there in 2005, when we have only partial data). The two years of data confirm that more than the transfer volume was pumped from the well each year. 2006 was an average water year according to the applicant; $1108 \text{ afa}/534 \text{ ac} = 2.07 \text{ afa/ac}$ average use. Doubling the 2007 data = $1200.2 \text{ afa} = 2.25 \text{ af/ac}$, but 2007 was a very dry year. So the use appears to be fairly consistent. Averaging the 2 years = 2.16 afa/ac average use. Applying an irrigation efficiency of 70% to that figure gives a transferrable volume of 1.51 afa/ac . I recommend taking all the primary acres from the early right, plus most of the supplemental acres. The rest of the needed volume will come from the later right. The corrected application reflects this.

M E M O R A N D U M

Enlargement of Use: The groundwater rights on this farm were decreed on 523.6 acres in 1998. Recent ArcMap data appears to show about 548 acres irrigated, however. The 2002 Spot data shows the farm mainly in pivots, and is very close to the 2004 ArcView data; the small pivot north of the dairy was reduced to half a pivot by 2004. By allowing the reduced volume on the supplemental acres being dried up, the enlargement question is being taken care of; this should not be an issue.

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.