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WATER RESOURCES
WESTERN REGION

September 16, 2009

Angela Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer No. 74776

Dear Angela,

The enclosed Amended Transfer Application and following letter is in response to your information request letter dated July 14, 2009.

The amended transfer application includes:

- Ownership documentation for the proposed permissible place of use (ppu).
- Corrected seasons of use authorized for each right.
- Source and tributary for water right 57-2254.
- Corrected ppu description for 31 acres in Section 16.
- Explanation in Part 3, C.1. regarding the number of unique acres irrigated under the ground water and surface water rights. The total number of acres authorized for irrigation within the proposed ppu has been amended and identified in Part 1, 5.a.

Using 2004 and 2006 aerial photography, a GIS analysis was conducted to determine the maximum extent of beneficial use of the proposed water rights within the past 5 years. All the acres licensed to ground water right 57-2254 were found irrigated. A total 1,010 acres are currently authorized for irrigation under the Snake River water rights. After excluding non-irrigated areas, including dairy, roads and high ground, a total of 928 acres were found irrigated on the 2004 and/or 2006 aerial photography (see attached photos). Based on this analysis, the maximum extent of beneficial use calculates to 71 acres under water right 57-2254 and 916 acres under the Snake River water rights. The Snake River acres excluded 12 acres irrigated with only ground water as described in Part 3, C.1. of the amended transfer application.

Twenty acres irrigated in the NWSE, S29 were developed under permit 2-7461. During the department's licensing exam, these 20 acres were counted as part of the 1,010 total developed acres. However, the 20 acres were omitted from the licensed ppu area because they were not identified on an amended permit submitted with the licensing exam. We feel that this permitting oversight does not constitute forfeiture. We have included these acres in the 916 irrigated under the Snake River water rights.

The 82-acre difference between the authorized irrigated area and GIS determined irrigated area can be attributed to the following factors:

1. Forty acres were subdivided in the NWNE, Section 20, and are not owned by the applicants. There are no indications of irrigation of these lands in the past 5 years.
2. A new dairy was built on previously irrigated lands in Sections 28 and 29.

Senior rights 2-10238 through 2-10241 were originally licensed for 760 acres irrigation under parent rights 2-7155 and 2-7186. Junior rights 2-10242 and 2-10243 were later licensed for an additional 250 acres under parent right 2-7461 for a total of 1010 acres when combined with the senior rights. Based on the above findings, we acknowledge that the junior rights will be subject to curtailment of 82 acres irrigation that are either not appurtenant to applicants' property or have been forfeited due to non-use.

Please let me know if there are any additional questions. Thanks Angie.

Sincerely,



Lori Graves
Water Rights Specialist

Cc: Dale and Jackie Van Es

Enclosures

SPF file number: 508.0010

T2N R4W

17

16

2004 Photo

20

21

29

28

Legend

-  57-2254 POU
-  2-10238, 2-10240, 2-10242 PPU
-  2-10239, 2-10241, 2-10243 PPU
-  Irrigation Beneficial Use
-  Proposed PPU
-  Sections

Van Es Amended Transfer Application Extent of Irrigation Beneficial Use

