



State of Idaho

DEPARTMENT OF WATER RESOURCES

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June 22, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

BOWLER RANCHES INC
PO BOX 760 246 ROOSEVELT ST
AMERICAN FALLS ID 83211

KBC FARMS LLC
3062 S FRONTAGE RD
AMERICAN FALLS ID 83211

WENDY STOKER
LAVEL STOKER
BRENT STOKER
MARLA STOKER
ALLIANCE LAND & LIVESTOCK LLC
707 E 500 S
BURLEY ID 83318

ERIC POWELL
BROCKWAY ENGINEERING
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

JASON HELMS
THOMPSON ENGINEERING
215 FARNSWORTH WAY
RIGBY ID 83442

DEL KOHTZ
IDAHO WATER CO LLC
1135 VALLEY RD S
EDEN ID 83325

RE: Off-Setting Applications for Transfer of Water Right 74093, 74094, 74095,
74096, 74396, 74719 & 74781

Dear Applicants & Consultant Representatives:

This package of seven (7) off-setting transfers referenced above has completed review and advertising processes. Final approval documents are being drafted in our Southern and Eastern Region offices.

Offsetting transfers may mitigate for increased depletions to reaches of the Snake River; however, offsetting transfers for water rights with varying priority dates could result in injury if curtailment is necessary due to a water call in the Eastern Snake Plain Aquifer (ESPA). As a result, specific conditions related to these types of transfers will be applied to address the concerns of the effects of the transferred rights within the ESPA during periods of curtailment.

I have enclosed a copy of the proposed conditions for all the affected rights along with a copy of the table from which the curtailment year and percentage amounts was derived for these conditions. If you propose to submit any additional analysis or information that would address this concern, please notify the department within 10 days. If no response is received, the transfers will be issued with the proposed conditions.

If you require additional information regarding this matter, please call me directly at (208) 287-4951, e-mail me at pam.skaggs@idwr.idaho.gov or contact me by mail.

Sincerely,

Pamela S. Skaggs
Water Rights Supervisor

Enclosures

Condition 201

(All offsetting rights)

The combination of changes under Transfer approvals 74093, 74094, 74095, 74096, 74396, 74719 and 74781 provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval <this transfer>.

Condition 202

If the point(s) of diversion authorized under this right are included in an area subject to a conjunctive management order curtailing the diversion and use of ground water, this right shall be reduced in rate and remaining volume by the following percentages, based on the priority date of the curtailment:

(35-13916)

- Curtailment senior to 5/16/1980, 1% reduction
- Curtailment senior to 5/4/1978, 62% reduction
- Curtailment senior to 10/16/1974, 71% reduction
- Curtailment senior to 9/12/1973, 74% reduction
- Curtailment senior to 5/26/1971, 74% reduction
- Curtailment senior to 11/15/1970, 77% reduction
- Curtailment senior to 5/23/1962, 100% reduction

(35-13915)

- Curtailment senior to 5/16/1980, 1% reduction
- Curtailment senior to 5/4/1978, 100% reduction

(35-13898)

- Curtailment senior to 5/16/1980, 1% reduction
- Curtailment senior to 5/4/1978, 64% reduction
- Curtailment senior to 10/16/1974, 64% reduction
- Curtailment senior to 9/12/1973, 67% reduction
- Curtailment senior to 5/26/1971, 68% reduction
- Curtailment senior to 11/15/1970, 72% reduction
- Curtailment senior to 5/23/1962, 100% reduction

(35-13897)

- Curtailment senior to 5/16/1980, 1% reduction
- Curtailment senior to 5/4/1978, 100% reduction

(35-13703)

- Curtailment senior to 5/16/1980, 1% reduction
- Curtailment senior to 5/4/1978, 64% reduction
- Curtailment senior to 10/16/1974, 100% reduction

(35-13906)

- Curtailment senior to 5/16/1980, 1% reduction
- Curtailment senior to 5/4/1978, 61% reduction
- Curtailment senior to 10/16/1974, 71% reduction
- Curtailment senior to 9/12/1973, 73% reduction
- Curtailment senior to 5/26/1971, 73% reduction
- Curtailment senior to 11/15/1970, 77% reduction
- Curtailment senior to 5/23/1962, 100% reduction

(35-13905)

- Curtailment senior to 5/16/1980, 1% reduction
- Curtailment senior to 5/4/1978, 100% reduction

(35-13900)

- Curtailment senior to 5/16/1980, 1% reduction
- Curtailment senior to 5/4/1978, 63% reduction
- Curtailment senior to 10/16/1974, 72% reduction
- Curtailment senior to 9/12/1973, 74% reduction
- Curtailment senior to 5/26/1971, 74% reduction
- Curtailment senior to 11/15/1970, 77% reduction
- Curtailment senior to 5/23/1962, 100% reduction

(35-13899)

- Curtailment senior to 5/16/1980, 1% reduction
- Curtailment senior to 5/4/1978, 100% reduction

(45-14103)

- Curtailment senior to 5/16/1980, 1% reduction
- Curtailment senior to 5/4/1978, 59% reduction
- Curtailment senior to 10/16/1974, 70% reduction
- Curtailment senior to 9/12/1973, 72% reduction
- Curtailment senior to 5/26/1971, 73% reduction
- Curtailment senior to 11/15/1970, 76% reduction
- Curtailment senior to 5/23/1962, 100% reduction

(45-14102)

- Curtailment senior to 5/16/1980, 1% reduction
- Curtailment senior to 5/4/1978, 100% reduction

(43-13525)

- Curtailment senior to 5/16/1980, 1% reduction
- Curtailment senior to 5/4/1978, 59% reduction
- Curtailment senior to 10/16/1974, 69% reduction
- Curtailment senior to 9/12/1973, 72% reduction
- Curtailment senior to 5/26/1971, 73% reduction
- Curtailment senior to 11/15/1970, 76% reduction
- Curtailment senior to 5/23/1962, 100% reduction

(43-13519)

- Curtailment senior to 5/16/1980, 1% reduction
- Curtailment senior to 5/4/1978, 100% reduction

(36-16530)

- Curtailed senior to 5/16/1980, 0% reduction
- Curtailed senior to 5/4/1978, 75% reduction
- Curtailed senior to 10/16/1974, 87% reduction
- Curtailed senior to 9/12/1973, 87% reduction
- Curtailed senior to 5/26/1971, 87% reduction
- Curtailed senior to 11/15/1970, 87% reduction
- Curtailed senior to 5/23/1962, 100% reduction

(43-13527)

- Curtailed senior to 5/16/1980, 0% reduction
- Curtailed senior to 5/4/1978, 75% reduction
- Curtailed senior to 10/16/1974, 87% reduction
- Curtailed senior to 9/12/1973, 87% reduction
- Curtailed senior to 5/26/1971, 87% reduction
- Curtailed senior to 11/15/1970, 87% reduction
- Curtailed senior to 5/23/1962, 100% reduction

(36-16533)

- Curtailed senior to 5/16/1980, 0% reduction
- Curtailed senior to 5/4/1978, 75% reduction
- Curtailed senior to 10/16/1974, 87% reduction
- Curtailed senior to 9/12/1973, 87% reduction
- Curtailed senior to 5/26/1971, 87% reduction
- Curtailed senior to 11/15/1970, 100% reduction

(36-16539)

- Curtailed senior to 5/16/1980, 0% reduction
- Curtailed senior to 5/4/1978, 75% reduction
- Curtailed senior to 10/16/1974, 87% reduction
- Curtailed senior to 9/12/1973, 87% reduction
- Curtailed senior to 5/26/1971, 100% reduction

(36-16694)

- Curtailed senior to 5/16/1980, 0% reduction
- Curtailed senior to 5/4/1978, 75% reduction
- Curtailed senior to 10/16/1974, 87% reduction
- Curtailed senior to 9/12/1973, 100% reduction

(43-13521)

- Curtailed senior to 5/16/1980, 0% reduction
- Curtailed senior to 5/4/1978, 100% reduction

(36-16536)

- Curtailed senior to 5/16/1980, 100% reduction

The preceding reductions shall not apply if the right holder (1) is participating in a mitigation plan approved by the director and administered by a ground water district or other recognized organization, or (2) to the extent that mitigation under item 1 is not sufficient, provides individual mitigation approved by the director. The mitigation under items 1 or 2 must provide compensation consistent with the requirements determined by the director in the curtailment order.

Source right			Split right			Transfer right			Individual Transfer		Remainder Transfer Totals by Priority									
Transfer #	Basin	Sequence	Basin	Sequence	Basin	Sequence	Priority	Transfer	Rate	Total	1959	1962	1970	1971	1973	1974	1978	1980	Total	
priority in rate w/o individual xfer reduction											→ 0.2	2.16								
74093	43	13368	43	13598	35	13916	5/23/1962	0.03												
74093	45	13366	43	13596	35	13915	5/4/1978	0.25	0.28		0.20	2.13	0.30	0.03	0.24	0.93	6.25	0.07	10.15	
											2.0%	21.0%	3.0%	0.3%	2.4%	9.2%	61.6%	0.7%	100%	
											100.0%	98.0%	77.0%	74.1%	73.8%	71.4%	62.3%	0.7%		
74094	43	13368	43	13530	35	13898	5/23/1962	0.36												
74094	43	13365	43	13524	35	13897	5/4/1978	2.04												
74094	35	7448	35	13703	35	13703	10/16/1974	0.93	3.33		0.20	1.80	0.30	0.03	0.24	0.00	4.46	0.07	7.10	
											2.8%	25.4%	4.2%	0.4%	3.4%	0.0%	62.8%	1.0%	100%	
											100.0%	97.2%	71.8%	67.6%	67.2%	63.8%	63.8%	1.0%		
74095	43	13368	43	13528	35	13906	5/23/1962	0.15												
74095	43	13365	43	13522	35	13905	5/4/1978	0.83	0.98		0.20	2.01	0.30	0.03	0.24	0.93	5.67	0.07	9.45	
											2.1%	21.3%	3.2%	0.3%	2.5%	9.8%	60.0%	0.7%	100%	
											100.0%	97.9%	76.6%	73.4%	73.1%	70.6%	60.7%	0.7%		
74096	43	13368	43	13529	35	13900	5/23/1962	0.02												
74096	43	13365	43	13523	35	13899	5/4/1978	0.10	0.12		0.20	2.14	0.30	0.03	0.24	0.93	6.40	0.07	10.31	
											1.9%	20.8%	2.9%	0.3%	2.3%	9.0%	62.1%	0.7%	100%	
											100.0%	98.1%	77.3%	74.4%	74.1%	71.8%	62.8%	0.7%		
74396	43	13368	43	13526	45	14103	5/23/1962	0.24												
74396	43	13365	43	13520	45	14102	5/4/1978	1.36	1.60		0.20	1.92	0.30	0.03	0.24	0.93	5.14	0.07	8.83	
											2.3%	21.7%	3.4%	0.3%	2.7%	10.5%	58.2%	0.8%	100%	
											100.0%	97.7%	76.0%	72.6%	72.3%	69.5%	59.0%	0.8%		
74719	43	13368	43	13525	43	13525	5/23/1962	0.25												
74719	43	13365	43	13519	43	13519	5/4/1978	1.41	1.66		0.20	1.91	0.30	0.03	0.24	0.93	5.09	0.07	8.77	
											2.3%	21.8%	3.4%	0.3%	2.7%	10.6%	58.0%	0.8%	100%	
											100.0%	97.7%	75.9%	72.5%	72.2%	69.4%	58.8%	0.8%		
74781	36	16342	36	16530	36	16530	11/11/1959	0.20												
74781	43	13368	43	13527	43	13527	5/23/1962	1.11												
74781	36	16344	36	16533	36	16533	11/15/1970	0.30												
74781	36	16348	36	16539	36	16539	5/26/1971	0.03												
74781	36	16672	36	16694	36	16694	9/12/1973	0.24												
74781	43	13365	43	13521	43	13521	5/4/1978	0.51												
74781	36	16346	36	16536	36	16536	5/16/1980	0.07	2.46		0.00	1.05	0.00	0.00	0.00	0.93	5.99	0.00	7.97	
Total								10.43			0.0%	13.2%	0.0%	0.0%	0.0%	11.7%	75.2%	0.0%	100%	
											100.0%	100.0%	86.8%	86.8%	86.8%	86.8%	75.2%	0.0%		